

1 [Administrative Code - California Environmental Quality Act Procedures and Fees]

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3 **Ordinance amending the Administrative Code to eliminate the Installment Agreement**
 4 **Processing Fee and Refund Processing Fee from the California Environmental Quality**
 5 **Act procedures and fees.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 9 **Board amendment additions** are in double-underlined Arial font.
 10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 11 **Asterisks (* * * *)** indicate the omission of unchanged Code
 12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The Administrative Code is hereby amended by revising Section 31.22 to
 15 read as follows:

16 **SEC. 31.22. BASIC FEES**

17 * * * *

18 **(b) Payment.**

19 (1) The fee specified in Subsection (a)(1) shall be paid to the Planning
 20 Department at the time of the filing of the environmental evaluation application, and where an
 21 environmental impact report is determined to be required, the fee specified in Subsection
 22 (a)(2) shall be paid at the time the Notice of Preparation is prepared, except as specified
 23 below. However, the Director of Planning or his/her designee may authorize phased collection
 24 of the fee for a project whose work is projected to span more than one fiscal year. ~~A~~
 25 ~~nonrefundable processing fee of \$53 is required to set-up any installment payment plan for all~~
~~application fees.~~ The balance of phased payments must be paid in full one week in advance of

1 the first scheduled public hearing before the Planning Commission in consider the project or
2 before any Environmental Impact Report is published.

3 (2) The Planning Department shall charge the applicant for any time and
4 material costs incurred in excess of the initial fee charged if required to recover the
5 Department's costs for providing services. Provided, however, that where a different limitation
6 on time and materials is set forth elsewhere in this section, then that limitation shall prevail.

7 (3) Fee Adjustments. The Controller will annually adjust the project application
8 fee amounts specified in Section 31.22 and Section 31.23 by the two-year average consumer
9 price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical
10 Area (PMSA). For a listing of the Department's current fees inclusive of annual indexing for
11 inflation, reference the Schedule of Applicable Fees available on the Planning Department
12 website.

13 (4) Any fraternal, charitable, benevolent or any other nonprofit organization, that
14 is exempt from taxation under the Internal Revenue laws of the United States and the
15 Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable,
16 benevolent or other nonprofit organization, or public entity that submits an application for the
17 development of residential units or dwellings all of which are affordable to low and moderate
18 income households, as defined by the United State Housing and Urban Development
19 Department, for a time period that is consistent with the policy of the Mayor's Office of
20 Housing and the San Francisco Redevelopment Agency may defer payment of the fees
21 specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and
22 (4) and Section 31.22(a)(11) herein, until the time of issuance of the building permit, before
23 the building permit is released to the applicant; or ~~(2)~~ within one year of the date of completion
24 of the environmental review document, whichever is sooner. This exemption shall apply
25

1 notwithstanding the inclusion in the development of other nonprofit ancillary or accessory
2 uses.

3 (5) An exemption from paying the full fees set forth in Section 31.22(a)(3) and
4 (4) herein may be granted when the requestor's income is not enough to pay the fee without
5 affecting his or her ability to pay for the necessities of life, provided that the person seeking
6 the exemption demonstrates to the Director of Planning or his/her designee that he or she is
7 substantially affected by the proposed project.

8 (6) Exceptions to the payment provisions noted above may be made when the
9 Director of Planning or his/her designee has authorized phased collection of the fee for a
10 project whose work is projected to span more than one fiscal year. ~~A nonrefundable processing~~
11 ~~fee of \$53 is required to set up any installment payment plan for all application fees.~~ The balance of
12 phased payments must be paid in full one week in advance of the first scheduled public
13 hearing before the Planning Commission to consider the project or before any Environmental
14 Impact Report is published.

15 (c) **Refunds.** When a request for an initial evaluation or for preparation of an
16 environmental impact report is (1) either withdrawn by the applicant prior to publication of an
17 environmental document or (2) deemed canceled by the Planning Department due to inactivity
18 on the part of the applicant, then the applicant shall be entitled to a refund of the fees paid to
19 the Department less the time and materials expended ~~minus a \$436 processing fee.~~ Refund
20 requests must be submitted within six months of the project closure date.

21 (d) **Late Charges and Collection of Overdue Accounts.** The Director or his/her
22 designee shall call upon the Bureau of Delinquent Revenues or duly licensed collection
23 agencies for assistance in collecting delinquent accounts more than 60 days in arrears, in
24 which case any additional costs of collection may be added to the fee amount outstanding. If
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1 the Department seeks the assistance of a duly licensed collection agency, the approval
2 procedures of Administrative Code Article 5, Section 10.39-1 *et seq.* will be applicable.

3 (e) These amendments to fees related to the Planning Department are intended to
4 provide revenues for the staffing and other support necessary to provide more timely
5 processing of applications within that Department.

6
7 Section 2. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

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19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 KATE H. STACY
23 Deputy City Attorney

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