

[Planning, Administrative Codes - Surcharges for Appeals to the Board of Supervisors]

Ordinance amending the Planning Code and the Administrative Code by superseding certain provisions of Ordinance No. 149-16 to increase the surcharges on certain Planning Department fees to compensate the City for appeals of Planning Department actions to the Board of Supervisors; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3
4 Section 2. Article 3.5 of the Planning Code is hereby amended by revising Section
5 350, to read as follows:

6 **SEC. 350 FEES.**

7 * * * *

8 (d) **Surcharges.** In addition to fees, a surcharge shall be assessed on some fees to
9 compensate the Department for the cost of appeals to the Board of Supervisors or the Board
10 of Appeals. These surcharges are stated in Section 4 of Ordinance No. 149-16 in Board of
11 Supervisors File No. 160632. These surcharges are not part of base fees as described in
12 subsection (b) and are not subject to the annual adjustment process described in subsection
13 (c). However, to fully inform the public, such surcharges shall be included in the Planning
14 Department Fee Schedule referenced in subsection (c). Notwithstanding the surcharges stated in
15 Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632, all surcharges identified
16 in that Section 4 for appeals to the Board of Supervisors shall be \$240.

17 In addition, there shall be a surcharge assessed on certain permit fees to fully
18 compensate the Department for the costs of discretionary review, as detailed in Section 4 of
19 the aforementioned ordinance. That surcharge will be treated as if it were a base fee, and will
20 be subject to the annual adjustment process described in subsection (c) and included in the
21 Planning Department Fee Schedule referenced in subsection (c).

22 * * * *

23
24 Section 3. Chapter 31, Article IV of the Administrative Code is hereby amended by
25 revising Section 31.22, to read as follows:

1 **SEC. 31.22. FEES.**

2 * * * *

3 (d) **Surcharges.** In addition to fees, a surcharge shall be assessed on some fees to
4 compensate the Department for the cost of appeals to the Board of Supervisors. These
5 surcharges are stated in Section 4 of Ordinance No. 149-16 in Board of Supervisors File
6 No. 160632. Notwithstanding the surcharges stated in Section 4 of Ordinance 149-16 in Board of
7 Supervisors File No. 160632, all surcharges identified in that Section 4 for appeals to the Board of
8 Supervisors shall be \$240. These surcharges are not part of base fees as described in
9 subsection (b) and are not subject to the annual adjustment process described in subsection
10 (c). However, to fully inform the public, such surcharges shall be included in the Planning
11 Department Fee Schedule referenced in subsection (c).

12 * * * *

13
14 Section 4. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23 additions, and Board amendment deletions in accordance with the "Note" that appears under
24 the official title of the ordinance.

1 Section 6. Effect of Ordinance on Ordinance No. 149-16; Directions to Clerk of the
2 Board of Supervisors.

3 As it pertains to surcharges for appeals to the Board of Supervisors, this ordinance has
4 the effect of amending and superseding those provisions in Section 4 of Ordinance No. 149-
5 16 stating such surcharges. Accordingly, to maximize public notice of these changes, upon
6 the effective date of this ordinance, the Clerk of the Board of Supervisors shall place a copy of
7 this ordinance in Board File No. 160632, the file for Ordinance No. 149-16, and shall indicate
8 on the Board's website chart for ordinances enacted in 2016 that Ordinance No. 149-16 has
9 been superseded in part by this ordinance.

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12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Bradley A. Russi
15 BRADLEY A. RUSSI
16 Deputy City Attorney

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