

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

2

3 **Ordinance amending the Planning Code and the Administrative Code by superseding**

4 **certain provisions of Ordinance No. 149-16 to increase the surcharges on certain**

5 **Planning Department fees to compensate the City for appeals of Planning Department**

6 **actions to the Board of Supervisors; affirming the Planning Department's**

7 **determination under the California Environmental Quality Act; and making findings of**

8 **consistency with the General Plan and the eight priority policies of Planning Code,**

9 **Section 101.1; and making public necessity, convenience, and welfare findings under**

10 **Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

12 **Additions to Codes** are in *single-underline italics Times New Roman font.*

13 **Deletions to Codes** are in *strikethrough italics Times New Roman font.*

14 **Board amendment additions** are in *double-underlined Arial font.*

15 **Board amendment deletions** are in *strikethrough Arial font.*

16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code

17 **subsections or parts of tables.**

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

19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this

21 ordinance comply with the California Environmental Quality Act (California Public Resources

22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

23 Supervisors in File No. 250440 and is incorporated herein by reference. The Board affirms

24 this determination.

25 (b) On July 17, 2025, the Planning Commission, in Resolution No. 21780, adopted

26 findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
3 Board of Supervisors in File No. 250440, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
5 amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
6 in Planning Commission Resolution No. 21780, and the Board adopts such reasons as its  
7 own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File  
8 No. 250440 and is incorporated herein by reference.

9  
10 Section 2. Article 3.5 of the Planning Code is hereby amended by revising Section  
11 350, to read as follows:

12 **SEC. 350 FEES.**

13 \* \* \* \*

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

23 In addition, there shall be a surcharge assessed on certain permit fees to fully  
24 compensate the Department for the costs of discretionary review, as detailed in Section 4 of  
25 the aforementioned ordinance. That surcharge will be treated as if it were a base fee, and will

1 be subject to the annual adjustment process described in subsection (c) and included in the  
2 Planning Department Fee Schedule referenced in subsection (c).

3 \* \* \* \*

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

7 **SEC. 31.22. FEES.**

8 \* \* \* \*

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

18 \* \* \* \*

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

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

7

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

10                  As it pertains to surcharges for appeals to the Board of Supervisors, this ordinance has  
11 the effect of amending and superseding those provisions in Section 4 of Ordinance No. 149-  
12 16 stating such surcharges. Accordingly, to maximize public notice of these changes, upon  
13 the effective date of this ordinance, the Clerk of the Board of Supervisors shall place a copy of  
14 this ordinance in Board File No. 160632, the file for Ordinance No. 149-16, and shall indicate  
15 on the Board's website chart for ordinances enacted in 2016 that Ordinance No. 149-16 has  
16 been superseded in part by this ordinance.

17

18

19                  APPROVED AS TO FORM:  
20                  DAVID CHIU, City Attorney

21                  By:     /s/ Bradley A. Russi  
22                  BRADLEY A. RUSSI  
23                  Deputy City Attorney

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# City and County of San Francisco

## Tails

### Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 250440

**Date Passed:** January 06, 2026

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; and making public necessity, convenience, and welfare findings under Planning Code, Section 302.

December 10, 2025 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

December 10, 2025 Budget and Finance Committee - RECOMMENDED AS AMENDED

December 16, 2025 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

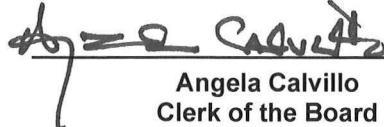
January 06, 2026 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Chen, Dorsey, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

Excused: 1 - Fielder

File No. 250440

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
1/6/2026 by the Board of Supervisors of the  
City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Daniel Lurie

Mayor

1/18/26

\_\_\_\_\_  
Date Approved