

BOARD of SUPERVISORS



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MEMORANDUM

Date: May 2, 2025
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 250440
Planning, Administrative Codes - Surcharges for Appeals to the Board of Supervisors

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☒ General Plan ☒ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at Brent.Jalipa@sfgov.org.

[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 ~~strikethrough 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.

10
11
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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LEGISLATIVE DIGEST

[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.

Existing Law

The City assesses surcharges on fees for some types of Planning Department decisions in order to compensate the Planning Department for appeals of such decisions to the Board of Supervisors. The surcharges are currently \$120.

Amendments to Current Law

The proposed ordinance would increase to \$240 the surcharges the City assesses on certain Planning Department actions for appeals to the Board of Supervisors.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquiries..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Supervisor Chan

Subject:

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

Long Title or text listed:

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.

Signature of Sponsoring Supervisor:

