

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

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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
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.

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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).

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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).

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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.

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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.

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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.

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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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