



July 23, 2025

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Chan  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-00476PCA:**  
    Surcharges for Appeals to the Board of Supervisors  
    Board File No. 250440

<b>Planning Commission Recommendation:</b>	<b>Approval</b>
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Dear Ms. Calvillo and Supervisor Chan,

On July 17, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Chan. The proposed ordinance would amend the Planning Code and the Administrative Code to increase the surcharges on certain Planning Department fees to compensate the City for appeals of Planning Department actions to the Board of Supervisors. At the hearing the Planning Commission adopted a recommendation for approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
*Manager of Legislative Affairs*

cc: Bradley Russi, Deputy City Attorney  
Calvin Yan, Aide to Supervisor Chan  
John Carroll, Office of the Clerk of the Board

**ATTACHMENTS :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21780

**HEARING DATE:** July 17, 2025

*Project Name:* Surcharges for Appeals to the Board of Supervisors  
*Case Number:* 2025-004476PCA [Board File No. 250440]  
*Initiated by:* Supervisor Chan / Introduced April 29, 2025  
*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND 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; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on April 29, 2025, Supervisor Chan introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 250440, which would amend 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;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 17, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance.

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission supports the proposed Ordinance because it addresses a long-overdue update to a surcharge that has remained unchanged for nearly a decade. While the fee increase is necessary to better reflect the actual cost of processing certain appeals, the proposed amount has been carefully set to remain affordable for applicants. This balanced approach ensures that the City can recover a more accurate portion of its administrative costs without creating an undue financial burden on those seeking to appeal eligible Planning Department decisions.

## General Plan Compliance

The General Plan includes a directive to improve government operations by making them more accountable, transparent, efficient, and aligned with their core mission to enhance public service delivery. The proposed Ordinance supports this goal by updating an outdated surcharge while maintaining affordability for applicants.

## Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve

the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 17, 2025.



Jonas P. Ionin  
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin  
Date: 2025.07.21 13:22:12 -07'00'

AYES:	Braun, Williams, Campbell, Imperial, McGarry, Moore, So
NOES:	None
ABSENT:	None
ADOPTED:	July 17, 2025



## EXECUTIVE SUMMARY

### PLANNING CODE TEXT AMENDMENT

**HEARING DATE:** July 17, 2025

**90-Day Deadline:** August 3, 2025

*Project Name:* Surcharges for Appeals to the Board of Supervisors

*Case Number:* 2025-004476PCA [Board File No. 250440]

*Initiated by:* Supervisor Chan / Introduced April 29, 2025

*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org 628-652-7534

*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

*Environmental*

*Review:* Not a Project Under CEQA

**RECOMMENDATION:** Adopt a Recommendation for Approval

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code and the Administrative Code to increase the surcharges on certain Planning Department fees to compensate the City for appeals of Planning Department actions to the Board of Supervisors.

### The Way It Is Now:

The City imposes a \$120 surcharge on Conditional Use Authorization applications, Planned Unit Development applications, and certain Environmental Impact Reviews to offset the cost of processing appeals to the Board of Supervisors.

## The Way It Would Be:

The City imposed surcharge for the aforementioned Planning Department actions would be \$240.

## Background

The City charges fees to recover the costs associated with processing Planning applications. Most of these fees are governed by the City's official fee schedule and are adjusted every two years to account for inflation. This adjustment ensures that the cost of providing review services remains aligned with the Consumer Price Index (CPI) for the San Francisco/San Jose Primary Metropolitan Statistical Area. However, the surcharge discussed in this report is one of the few fees **not** subject to automatic inflationary adjustment.

A **surcharge** is an additional fee applied to certain types of applications. The "Appeal to the Board of Supervisors" surcharge is specifically intended to offset the City's costs related to processing appeals of the following application types:

- Conditional Use Authorizations and Planned Unit Developments
- Applications proposing major revisions to previously inactive projects (inactive for more than six months)
- Environmental Impact Reports (EIRs)

This \$120 surcharge is not included in the standard fee schedule, as the City aims to keep it affordable for applicants. However, because it is excluded from the biennial inflation adjustment process, any change to the surcharge amount requires legislative action. Notably, this surcharge has remained unchanged since 2016.

## Issues and Considerations

### General Plan Compliance

The General Plan includes a directive to improve government operations by making them more accountable, transparent, efficient, and aligned with their core mission to enhance public service delivery. The proposed Ordinance supports this goal by updating an outdated surcharge while maintaining affordability for applicants.

### Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

## Recommendation

The Department recommends that the Commission **adopt a recommendation for approval** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.



## **Basis for Recommendation**

The Planning Department supports the proposed Ordinance because it addresses a long-overdue update to a surcharge that has remained unchanged for nearly a decade. While the fee increase is necessary to better reflect the actual cost of processing certain appeals, the proposed amount has been carefully set to remain affordable for applicants. This balanced approach ensures that the City can recover a more accurate portion of its administrative costs without creating an undue financial burden on those seeking to appeal eligible Planning Department decisions.

## **Required Commission Action**

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

## **Environmental Review**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

## **Public Comment**

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.