

1 [Permit Applications -- Contents]

2 AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE
3 (PLANNING CODE) BY AMENDING SECTIONS 306.1 AND 306.3 TO REQUIRE
4 DISCLOSURE IN A CONDITIONAL USE OR VARIANCE APPLICATION AND NOTICE FOR
5 PUBLIC HEARING OF THE NAME UNDER WHICH THE APPLICANT INTENDS TO
6 CONDUCT BUSINESS, REQUIRING THAT APPLICATIONS BE SIGNED UNDER PENALTY
7 OF PERJURY, AND AUTHORIZING THE ZONING ADMINISTRATOR TO REJECT AND
8 DELAY THE RE-FILING OF AN APPLICATION THAT INCLUDES MATERIAL
9 MISSTATEMENTS OR OMISSIONS; AMENDING PART II, CHAPTER I OF THE SAN
10 FRANCISCO MUNICIPAL CODE (BUILDING CODE) BY AMENDING SECTION 106.3 TO
11 REQUIRE DISCLOSURE IN A BUILDING PERMIT APPLICATION OF THE NAME UNDER
12 WHICH THE APPLICANT INTENDS TO CONDUCT BUSINESS, REQUIRING THAT
13 APPLICATIONS BE SIGNED UNDER PENALTY OF PERJURY, AND AUTHORIZING THE
14 DIRECTOR OF BUILDING INSPECTION TO CANCEL AND DELAY THE RE-FILING OF AN
15 APPLICATION THAT INCLUDES MATERIAL MISSTATEMENTS OR OMISSIONS.

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17 Note: Additions are underlined; deletions are in ((double parentheses)).

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

19
20 Section 1. Article 3 of the San Francisco Planning Code is hereby amended by
21 amending Section 306.1, to read as follows:

22 **SEC. 306.1. APPLICATIONS AND FILING FEES.** (a) Who May Initiate. The persons
23 and agencies that may file or otherwise initiate actions for amendments to the Planning Code,
24 conditional uses and variances are indicated in Sections 302 through 305. The persons and

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1 agencies that may file or otherwise initiate actions for amendments to the General Plan are
2 indicated in Section 340.

3 (b) Where To File. Applications shall be filed in the office of the Planning
4 Department.

5 (c) Content of Applications. The content of applications shall be in accordance with
6 the policies, rules and regulations of the Planning Department, Zoning Administrator and the
7 Planning Commission. All applications shall be upon forms prescribed therefor, and shall
8 contain or be accompanied by all information required to assure the presentation of pertinent
9 facts for proper consideration of the case and for the permanent record. The applicant may
10 be required to file with his application the information needed for the preparation and mailing
11 of notices as specified in Section 306.3. In addition to any other information required by the
12 Planning Department, the Zoning Administrator and the Planning Commission, an applicant
13 for a conditional use permit or variance who proposes a commercial use for the subject
14 property shall disclose the name under which business will be, or is expected to be,
15 conducted at the subject property, if such name is known at the time of application. If the
16 business name becomes known to the applicant during the conditional use permit or variance
17 processing period, the applicant promptly shall amend the application to disclose such
18 business name.

19 (d) Verification. Each application filed by or on behalf of one or more property
20 owners shall be verified by at least one such owner or his authorized agent attesting to the
21 truth and correctness of all facts, statements and information presented. All applications shall
22 include the following statement: "The information contained in this application is true and
23 complete to the best of my knowledge, based upon diligent inquiry. This application is signed
24 under penalty of perjury. I understand that willful or material misstatement(s) or omissions in
25 the application may result in the rejection of the application and a lapse of time before the

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SUPERVISOR YEE The term "known" shall mean actual, not imputed
knowledge, and shall consist of direct evidence includ-
ing but not limited to a contract of sale, lease, or
BOARD OF SUPERVISORS rental, or letter of intent or agreement, between the
applicant and a commercial entity.

1 application may be resubmitted.” The Zoning Administrator may reject a conditional use or
2 variance application as inaccurate and may require the applicant to re-file the application
3 where the Zoning Administrator determines that the application includes material
4 misstatements or omissions. Such rejection shall not be considered to be a denial of the
5 application on its merits. Where the Zoning Administrator determines that such material
6 misstatements or omissions were made willfully, the Zoning Administrator may require that the
7 applicant wait up to 6 months before re-filing an application for substantially the same project.
8 The Zoning Administrator’s action in this regard may be appealed to the Board of Appeals
9 pursuant to Section 308.2 of this Code.

10 (e) Fees. Before accepting any application for filing, the Planning Department shall
11 charge and collect a fee as specified in Article 3.5 or Article 3.5A of this Code.

12
13 Section 2. Article 3 of the San Francisco Planning Code is hereby amended by
14 amending Section 306.3, to read as follows:

15 **SEC. 306.3. NOTICE OF HEARINGS.** (a) Except as indicated in Subsection (b) below,
16 and except as provided in Sections 316.3 and 316.4 of this Code for conditional use
17 applications where such authorization is required pursuant to zoning categories .10, .11, .21,
18 .24 through .27, .38 through .90 and .95 of Sections 710 through 729 for each Neighborhood
19 Commercial District, notice of the time, place and purpose of the hearing on action for an
20 amendment to the Planning Code or General Plan, conditional use or a variance shall be
21 given by the Zoning Administrator as follows:

- 22 (1) By mail to the applicant or other person or agency initiating the action;
23 (2) By mail, except in the case of proposed amendments to change the text of the
24 Code, not less than 10 days prior to the date of the hearing to the owners of all real property
25 within the area that is the subject of the action and within 300 feet of all exterior boundaries of

1 such area, using for this purpose the names and addresses of the owners as shown on the
2 latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail
3 to any such property owner where the address of such owner is not shown on such
4 assessment roll shall not invalidate any proceedings in connection with such action;

5 (3) By publication, except in variance cases, at least once in a newspaper of
6 general circulation in the City not less than 20 days prior to the date of the hearing;

7 (4) Such other notice as the Zoning Administrator shall deem appropriate.

8 (b) In the following situations, notice of hearings shall be given as indicated.

9 (1) In the case of variance applications involving a less than 10 percent deviation as
10 described in Section 305(c), the Zoning Administrator need give only such notice as the
11 Zoning Administrator deems appropriate in cases in which a hearing is actually held.

12 (2) In the case of amendments to reclassify land on the basis of general zoning
13 studies for one or more zoning districts, which studies either are citywide in scope or cover a
14 major subarea of the City, as determined by the Planning Commission, and where the total
15 area of land so proposed for reclassification, excluding the area of public streets and alleys, is
16 30 acres or more, the notice given shall be as described in Subsection (a) above, except that:

17 (A) The newspaper notice shall be published as an advertisement in all editions of
18 such newspaper, and need contain only the time and place of the hearing and a description of
19 the general nature of the proposed amendment together with a map of the area proposed for
20 reclassification.

21 (B) The notice by mail need contain only the time and place of the hearing and a
22 general description of the boundaries of the area proposed for reclassification.

23 (3) In the case of amending the General Plan, notice shall be given by an
24 advertisement at least once in a newspaper of general circulation in the City not less than 20
25 days prior to the hearing. The advertisement shall contain the time and place of the hearing

1 and a description of the general nature of the proposed amendment and, if applicable, a map
2 of the affected area.

3 (c) In addition to any other information required by the Planning Department, the
4 Zoning Administrator and the Planning Commission, any notice required by this Section of an
5 application for a conditional use permit or variance which proposes a commercial use for the
6 subject property shall disclose the name under which business will be, or is expected to be,
7 conducted at the subject property, as disclosed in the permit application pursuant to Section
8 306.1(c), if the business name is known at the time notice is given. If the business name
9 becomes known to the applicant during the notice period, the applicant promptly shall amend
10 the notice to disclose such business name and the Department shall disseminate all the
11 various required hearing notices again with the disclosed name and allow the prescribed time
12 between the date of the notice and the date of the hearing.

13
14 Section 3. Chapter 1 of the San Francisco Building Code is hereby amended by
15 amending Section 106.3.1 to read as follows:

16 **Section 106.3.1. Revise the following items:**

17 3. For new buildings or structures, indicate the use or occupancy of all parts of the
18 building or structure for which the proposed work is intended. For alteration work, indicate the
19 proposed use or occupancy and the most current legal use or occupancy of all portions of the
20 building or structure affected by or relevant to the proposed work.

21 6. Be signed by the owner, or the owner's authorized agent, who may be required
22 to submit evidence to indicate such authority. Such agent shall be responsible for advising
23 the owner of all conditions attached to the application by the various approving agencies.

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1 **Section 106.3.1. Add the following new requirements:**

2 8. Include, when available, the name, address and telephone number of the owner,
3 architect, engineer and contractor. When applicable, State and City license numbers shall be
4 indicated.

5 9. Contain an agreement by the owner of the premises to hold harmless the City
6 and County of San Francisco and its officials and employees from all costs, liability and
7 damages resulting, whether directly or indirectly, from use or occupancy of the sidewalk,
8 street, or subsidewalk space, or from anything in connection with the work included in the
9 permit. The agreement shall run with the land and be binding on all of the owner's successors
10 in title.

11 Applications are transferable without payment of additional fees when the new owner
12 or owner's agent submits a letter to the Department agreeing to all conditions of approval,
13 stipulations and agreements contained on the application.

14 10. Where the applicant proposes a commercial use for the building or structure,
15 include the name under which business will be, or is expected to be, conducted, if such name
16 is known at the time of application. If the business name becomes known to the applicant
17 during the permit processing period, applicant promptly shall amend the application to
18 disclose such business name.

19 11. All applications shall include the following statement: "The information
20 contained in this application is true and complete to the best of my knowledge, based upon
21 diligent inquiry. This application is signed or verified via affidavit by the project sponsor or
22 owner under penalty of perjury. I understand that willful or material misstatement(s) or
23 omissions in the application may result in the immediate cancellation of the application and a
24 lapse of time before the application may be resubmitted."

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1 Section 4. Chapter 1 of the San Francisco Building Code is hereby amended by
2 amending Section 106.3.7 to read as follows:

3 **Section 106.3.7. Add the following section:**

4 106.3.7 Cancellation of application during processing. The Director may hold in abeyance or
5 reject any application, plans or specifications filed which, in the Director's opinion, do not
6 provide the necessary information in a clear, correct, complete and concise manner as
7 required in Section 106.3((.3)), and shall cancel such an application upon the expiration of the
8 time period set forth below.

9 During the processing of the application, any corrections, additional information, plans
10 or documents that are necessary to complete the processing by any of the enforcing agencies
11 shall be submitted and approved within the following time limitations:

12 Valuation	Time Limitation
13 Under \$100,000	*60 calendar days
14 \$100,000 to \$1 million	*90 calendar days
15 Over \$1 million	120 calendar days

16 The above time limits shall start when the applicant or the applicant's representative
17 has been notified by the enforcing agency representative that corrections are required. The
18 time limitation shall apply until all corrections have been satisfactorily made. A one-time
19 extension of 60 days may be granted by the Director at any point during the approval
20 procedure, upon written request by the applicant and payment of fee. See Section 110, Table
21 1-J - Miscellaneous Fees - for applicable fee. In the event an extension of time extends the life
22 of an application beyond the effective date of the adoption of a new code, the Director may
23 require that all or part of the application be subject to the provisions of the new code. In the
24 event the corrections have not been made within 21 days before the end of the stated or
25 extended time period, the Department shall notify the applicant by certified mail that the

1 application will be canceled in 21 days unless the plans are made approvable within that time.
2 An application which exceeds the stated or extended time period after such notice shall be
3 deemed canceled without further action by the Department.

4 A separate time limit period shall apply for each of the review stages within the
5 enforcing agency; however, at no time shall the time limitation in any one review stage exceed
6 that stated above.

7 If cancellation is due to willful or material misstatement(s) or omissions in the
8 application, pursuant to Section 106.3.1.11, the Director may cancel the application
9 immediately and may require that the property owner wait up to 6 months before re-applying
10 for a permit for substantially the same scope of work.

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12
13 APPROVED AS TO FORM:
14 LOUISE H. RENNE, City Attorney

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16 By:



17 MIRIAM L. STOMBLER
18 Deputy City Attorney
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City and County of San Francisco

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

Tails

Ordinance

File Number: 991428

Date Passed:

Ordinance amending Planning Code Sections 306.1 and 306.3 to require disclosure in a conditional use or variance application and notice for public hearing of the name under which the applicant intends to conduct business, and requiring that applications be signed under penalty of perjury; and authorizing the Zoning Administrator to reject and delay the re-filing of an application that includes material misstatements or omissions; amending Building Code Section 106.3 to require disclosure in a building permit application of the name under which the applicant intends to conduct business, requiring that applications be signed under penalty of perjury, and authorizing the Director of Building Inspection to cancel and delay the re-filing of an application that includes material misstatements or omissions.

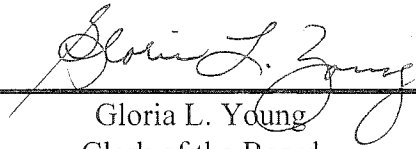
- December 6, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
- December 6, 1999 Board of Supervisors — CONTINUED AS AMENDED ON FIRST READING
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
- December 13, 1999 Board of Supervisors — RE-REFERRED: Finance and Labor Committee
Ayes: 6 - Becerril, Brown, Katz, Kaufman, Teng, Yaki
Noes: 5 - Ammiano, Bierman, Leno, Newsom, Yee
- January 18, 2000 Board of Supervisors — NOT CONTINUED
Ayes: 5 - Becerril, Brown, Katz, Kaufman, Teng
Noes: 6 - Ammiano, Bierman, Leno, Newsom, Yaki, Yee
- January 18, 2000 Board of Supervisors — AMENDED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
- January 18, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

January 24, 2000 Board of Supervisors — FINALLY PASSED


Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki, Yee

File No. 991428

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 24, 2000
by the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

1/26/00
Date Approved


Mayor Willie L. Brown Jr.