

1 [Revising Board of Appeals Filing Fees.]

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3 **Ordinance amending Article 1, Section 8 of the San Francisco Business and Tax**
4 **Regulations Code to increase specified Board of Appeals filing fees and to make**
5 **technical corrections, and making environmental findings.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended
11 by amending Article 1, Section 8, to read as follows:

12 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

13 Except for variance decisions and place of entertainment, extended hours premises,
14 and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of
15 Appeals shall be taken within 15 days from the making or entry of the order or decision from
16 which the appeal is taken. Appeals of variance decisions shall be taken within 10 days.

17 Appeals shall be taken by filing a notice of appeal with the Board of Appeals and paying to
18 said Board at such time a filing fee as follows:

19 (a) Zoning Administrator, Planning Department, Director of Planning and Planning
20 Commission.

21 (1) For each appeal from the Zoning Administrator's variance decision the fee shall be
22 ~~\$400~~\$600.

23 (2) For each appeal from any order, requirement, decision or other determination
24 (other than a variance) made by the Zoning Administrator, the Planning Department or
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1 Commission or the Director of Planning, including an appeal from disapproval of a permit
2 which results from such an action, the fee shall be ~~\$400~~\$600.

3 (b) Department of Building Inspection.

4 (1) For each appeal from a Department of Building Inspection denial, conditional
5 approval or granting of a residential hotel or apartment conversion permit the fee shall be
6 ~~\$350~~\$525.

7 (2) For each appeal from the granting or denial of a building demolition, or other
8 permit (other than residential hotel conversion) the fee shall be ~~\$100~~\$175.

9 (3) For each appeal from the imposition of a penalty only the fee shall be ~~\$200~~\$300.

10 (c) Police Department *and* Entertainment Commission.

11 (1) For each appeal from the denial or granting of a permit or license issued by the
12 Police Department or Entertainment Commission to the owner or operator of a business the
13 fee shall be ~~\$250~~\$375; for each such permit or license issued to an individual employed by or
14 working under contract to a business, the fee shall be ~~\$100~~\$150.

15 (2) For each appeal from the revocation or suspension of a permit or license by the
16 Police Department or Entertainment Commission the fee shall be ~~\$250~~\$375 for an entity or
17 individual.

18 (d) Department of Public Works. For each appeal from the decision of the Director of
19 the Department of Public Works concerning street tree removal by a City agency,
20 commission, or department the fee shall be ~~\$75~~\$100.

21 (e) For each appeal from any other order or decision the fee shall be ~~\$200~~\$300.

22 (f) For requests for rehearing under Section 16 of this Article the fee shall be
23 ~~\$100~~\$150.

24 (g) For requests for jurisdiction the fee shall be ~~\$100~~\$150.

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1 (h) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d), (e),
2 (f), and (g) herein may be granted upon the filing under penalty of perjury of a declaration of
3 indigency on the form provided and approved by the Board. All agencies of the City and
4 County of San Francisco are exempted from these fees.

5 (i) Additional Requirements.

6 (1) Notice of appeal shall be in such form as may be provided by the rules of the Board
7 of Appeals.

8 (2) On the filing of any appeal, the Board of Appeals shall notify in writing the
9 department, board, commission, officer or other person from whose action the appeal is taken
10 of such appeal. On the filing of any appeal concerning a structural addition to an existing
11 building, the Board of Appeals shall additionally notify in writing the property owners of
12 buildings immediately adjacent to the subject building.

13 (3) The Board of Appeals shall fix the time and place of hearing, which shall be not less
14 than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later
15 than 60 days after such filing or a reasonable time thereafter. In the case of a fixed pedestal
16 newsrack permit, a place of entertainment permit or an extended-hours premises permit, the
17 Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal,
18 shall act thereon not more than 30 days after such filing, and shall not entertain a motion for
19 rehearing.

20 (4) With respect to any decision of the Board of Appeals related to any "dwelling" in
21 which "protected class members" are likely to reside (each as defined in Administrative Code
22 Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code
23 Chapter 87 which requires, among other things, that the Board of Appeals not base any
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1 decision regarding the development of such units on information which may be discriminatory
2 to any member of a "protected class."

3 (5) Pending decision by the Board of Appeals, the action of such department, board,
4 commission, officer or other person from which an appeal is taken, *shall be suspended, except*
5 *for excluding* (1) actions of revocation or suspension of permit by the Director of Public Health
6 when determined by the Director to be an extreme public health hazard and (2) actions by the
7 Zoning Administrator or Director of the Department of Building Inspection stopping work under
8 or suspending an issued permit ~~shall be suspended~~.

9 Section 2. The Planning Department has determined that the actions contemplated in
10 this Ordinance are in compliance with the California Environmental Quality Act (California
11 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk
12 of the Board of Supervisors in File No. _____ and is incorporated herein by this
13 reference.

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15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

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18 By: _____
19 CATHARINE S. BARNES
20 Deputy City Attorney

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