

1 [Appeal of Stop Work or Suspension of Issued Permit.]

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3 **Ordinance amending the San Francisco Business and Tax Regulations Code by**  
4 **amending Article 1, Section 8(h), to provide that an appeal to the Board of Appeals of**  
5 **an action by the Zoning Administrator or Director of the Department of Building**  
6 **Inspection stopping work under or suspending an issued permit does not suspend the**  
7 **action pending the Board’s decision; providing that this ordinance shall apply**  
8 **retroactively to appeals filed on or after the date of introduction.**

9 Note: Additions are *single-underline italics Times New Roman*;  
10 deletions are *strikethrough italics Times New Roman*.  
11 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

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

15 SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.

16 Except for variance decisions, appeals to the Board of Appeals shall be taken  
17 within 15 days from the making or entry of the order or decision from which the appeal is  
18 taken. Appeals of variance decisions shall be taken within 10 days. Appeals shall be taken by  
19 filing a notice of appeal with the Board of Appeals and paying to said Board at such time a  
20 filing fee as follows:

21 (a) Zoning Administrator, Planning Department, Director of Planning and  
22 Planning Commission.

23 (1) For each appeal from the Zoning Administrator's variance decision the  
24 fee shall be \$400.

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

5           (b) Department of Building Inspection.

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

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

11           (3) For each appeal from the imposition of a penalty only the fee shall be  
12 \$200.

13           (c) Police Department.

14           (1) For each appeal from the denial or granting of a Police permit or license  
15 issued to the owner or operator of a business the fee shall be \$250; for each such permit or  
16 license issued to an individual employed by or working under contract to a business, the fee  
17 shall be \$100.

18           (2) For each appeal from the revocation or suspension of a Police permit or  
19 license the fee shall be \$250 for an entity or individual.

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

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

24           (f) For requests for rehearing under Section 16 of this Article the fee shall be  
25 \$100.

1 (g) For requests for jurisdiction the fee shall be \$100.

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

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

8 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 The Board of Appeals shall fix the time and place of hearing, which shall be not  
14 less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not  
15 later than 60 days after such filing or a reasonable time thereafter. In the case of a fixed  
16 pedestal newsrack permit, a place of entertainment permit or an extended-hours premises  
17 permit, the Board of Appeals shall set the hearing not less than 15 days after the filing of said  
18 appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a  
19 motion for rehearing. With respect to any decision of the Board of Appeals related to any  
20 "dwelling" in which "protected class members" are likely to reside (each as defined in  
21 Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of  
22 Administrative Code Chapter 87 which requires, among other things, that the Board of  
23 Appeals not base any decision regarding the development of such units on information which  
24 may be discriminatory to any member of a "protected class." Pending decision by the Board of  
25 Appeals, the action of such department, board, commission, officer or other person from

1 which an appeal is taken, excluding (1) actions of revocation or suspension of permit by the  
2 Director of Public Health when determined by the Director to be an extreme public health  
3 hazard and (2) actions by the Zoning Administrator or Director of the Department of Building  
4 Inspection stopping work under or suspending an issued permit, shall be suspended.

5 Section 2. This ordinance shall apply to all appeals filed with the Board of Appeals on  
6 or after the date of introduction of the ordinance.

8 APPROVED AS TO FORM:  
9 LOUISE H. RENNE, City Attorney

10 By: \_\_\_\_\_  
11 JUDITH A. BOYAJIAN  
12 Deputy City Attorney

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