

1 [Continuances at Board of Appeals.]

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3 **Ordinance amending the San Francisco Business and Tax Regulations Code by**
4 **amending Section 8 to require the Board of Appeals to hear an appeal of a code**
5 **enforcement action no later than 45 days after the filing of the appeal and to prohibit**
6 **continuances beyond the 45th day unless the conduct challenged is discontinued**
7 **pending final action by the Board.**

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

25 (2) For each appeal from any order, requirement, decision or other
determination (other than a variance) made by the Zoning Administrator, the Planning

1 Department or Commission or the Director of Planning, including an appeal from disapproval
2 of a permit which results from such an action, the fee shall be \$400.

3 (b) Department of Building Inspection.

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

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

9 (3) For each appeal from the imposition of a penalty only the fee shall be
10 \$200.

11 (c) Police Department.

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

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

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

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

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

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

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

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

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

12 The Board of Appeals shall fix the time and place of hearing, which shall be not
13 less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not
14 later than 60 days after such filing or a reasonable time thereafter. In the case of an appeal of
15 an enforcement action, the hearing shall be held no later than 45 days after the filing of said
16 appeal; continuances beyond the 45th day may only be granted if the conduct challenged is
17 discontinued pending final action by the Board. In the case of a fixed pedestal newsrack
18 permit, a place of entertainment permit or an extended-hours premises permit, the Board of
19 Appeals shall set the hearing not less than 15 days after the filing of said appeal, shall act
20 thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.
21 With respect to any decision of the Board of Appeals related to any "dwelling" in which
22 "protected class members" are likely to reside (each as defined in Administrative Code
23 Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code
24 Chapter 87 which requires, among other things, that the Board of Appeals not base any
25 decision regarding the development of such units on information which may be discriminatory

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

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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11 By: JUDITH A. BOYAJIAN
12 Deputy City Attorney

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