

1 [Subdivision Code - Condominium Conversion Appeals]

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3 **Ordinance amending the Subdivision Code to authorize the Clerk of the Board of**  
4 **Supervisors to reject appeals of the condominium conversion fee when the appeal**  
5 **does not challenge the relationship or nexus between the impact of development and**  
6 **the amount of the fee charged.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. The Subdivision Code is hereby amended by revising Section 1396.4, to  
16 read as follows:

17 **SEC. 1396.4. CONDOMINIUM CONVERSION FEE AND EXPEDITED CONVERSION**  
18 **PROGRAM.**

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20 (j) **Waiver or reduction of fee based on absence of reasonable relationship ~~or~~**  
21 **~~deferred payment based upon limited means.~~**

22 (1) A project applicant of any project subject to the requirements in this Section  
23 may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the  
24 requirements based upon the absence of any reasonable relationship or nexus between the  
25 impact of development and the amount of the fee charged ~~or for the reasons set forth in~~  
~~Subsection (2) below, a project applicant may request a waiver from the Board of Supervisors.~~

1           (2) Any appeal of requests under this clause shall be made in writing and filed with  
2 the Clerk of the Board no later than 15 days after the date the sponsor is required to pay and  
3 has paid to the Treasurer the fee as required in this Section. The appeal shall set forth in  
4 detail the factual and legal basis for the claim of waiver, reduction, or adjustment. Upon receipt  
5 of the appeal, the Clerk of the Board of Supervisors shall review the appeal in consultation with the  
6 City Attorney. If the Clerk of the Board determines that the appeal on its face challenges, on a factual  
7 or legal basis, the relationship or nexus between the impact of development and the amount of the fee  
8 charged, then the Clerk of the Board shall schedule a hearing under Subsection (3). If the Clerk of the  
9 Board in consultation with the City Attorney determines that the appeal on its face does not challenge,  
10 on a factual or legal basis, the relationship or nexus, then the Clerk of the Board shall notify the  
11 members of the Board of Supervisors within three business days of the Clerk's receipt of the appeal. If  
12 any one member of the Board of Supervisors requests within three business days of the Clerk's  
13 notification that the Clerk schedule a hearing on the appeal, then the Clerk shall schedule a hearing  
14 under Subsection (3). If no member of the Board requests that the Clerk schedule a hearing, then the  
15 Clerk shall inform the appellant and the Department of Public Works, within ten business days from the  
16 date of the filing, that the filing does not allege a proper basis for appeal, and shall reject the appeal on  
17 behalf of the Board of Supervisors.

18           (3) If the Clerk of the Board schedules a hearing under this Section, ~~T~~he Board of  
19 Supervisors shall consider the appeal at the hearing within 60 days after the filing of the  
20 appeal. The appellant shall bear the burden of presenting substantial evidence to support the  
21 appeal, including comparable technical information to support appellant's position. If a  
22 reduction, adjustment, or waiver is granted, any change of use or scope of the project shall  
23 invalidate the waiver, adjustment or reduction of the fee. If the Board grants a reduction,  
24 adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of  
25 the reduction, adjustment or waiver to the Treasurer and Department of Public Works.

1            (k) *Deferred payment based upon limited means.* ~~(3)~~ A project applicant may apply to  
2 the Department of Public Works for a deferral of payment of the fee described in Subsection  
3 (e) for the period that the Department completes its review and until the application for  
4 expedited conversion is approved, provided that for the twelve months prior to the application,  
5 the applicant resided in his or her unit in the subject property as his or her principle place of  
6 residence and the applicant's household income was less than 120% of median income of the  
7 City and County of San Francisco as determined by the Mayor's Office of Housing.

8            ~~(k)~~ Buildings that convert pursuant to this Section shall have no effect on the terms  
9 and conditions of Section 1341A , 1385A , or 1396 of this Code.

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11            Section 2. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

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16            Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
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1 additions, and Board amendment deletions in accordance with the "Note" that appears  
2 under the official title of the ordinance.

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4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 JON GIVNER  
8 Deputy City Attorney

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