

[Business and Tax Regulations, Planning Codes - Appeal Timelines for Zoning Administrator Actions]

**Ordinance amending the Business and Tax Regulations Code and the Planning Code to clarify time periods for appeals of decisions or determinations by the Zoning Administrator; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

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

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

Section 1. Environmental and General Plan Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this determination.

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the

Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that the Planning Code amendments in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein by reference. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

Section 2. Article 1 of the Business and Tax Regulations Code is hereby amended by revising Section 8, to read as follows:

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

(a) Except for ~~variance decisions and~~ permits issued by the Entertainment Commission or its Director, and as otherwise specified in this Section 8, Planning Code Section 1006.7, Planning Code Section 308.2, or as specifically provided in other sections of the Municipal Code, appeals to the Board of Appeals shall be taken within 15 days from the making or entry of the order or decision from which the appeal is taken. Appeals of variance decisions shall be taken within 10 days after the date of the written variance decision.

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Section 3. Article 3 of the Planning Code is hereby amended by revising Section 308.2, to read as follows:

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1           **SEC. 308.2. APPEALS: VARIANCES AND ADMINISTRATIVE ACTIONS.**

2           (a) **Right of Appeal.** The action of the Zoning Administrator, in granting or denying a  
3 variance application as described in Section 305 and Sections 306 through 306.5, or in  
4 making any order, requirement, decision, or other determination, other than a variance, shall  
5 be subject to appeal to the Board of Appeals in accordance with this Section 308.2 and Section  
6 8 of the Business and Tax Regulations Code. Such an appeal may be taken by any person  
7 aggrieved or by an officer, board, or commission of the City and County. An appeal shall stay  
8 all proceedings in furtherance of the action appealed from.

9           (b) **Notice of Appeal.** Any appeal under this Section 308.2 shall be taken by filing  
10 written notice of appeal with the Board of Appeals within: 10 days after the date of the written  
11 variance, rear yard modification permitted by Section 134, reasonable modification, or elevator height  
12 exemption decision of the Zoning Administrator; ~~or~~ within 30 days of a Notice of Violation, Notice  
13 of Violation and Penalty Decision, or Notice of Additional Compliance Action and Accrued Penalties  
14 issued by the Zoning Administrator; or within 15 days of any other written determination of the  
15 Zoning Administrator.

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18           Section 4. Effective Date. This ordinance shall become effective 30 days after  
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
21 of Supervisors overrides the Mayor's veto of the ordinance.

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Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ KRISTEN A. JENSEN  
Deputy City Attorney

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