

1 [Board of Appeals --Fees.]

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3 **Ordinance amending the San Francisco Business and Tax Regulations Code by**  
4 **amending Section 8 to increase the fees charged by the Board of Appeals and making**  
5 **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.  
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Findings. The Planning Department has determined that the actions contemplated  
11 in this Ordinance are in compliance with the California Environmental Quality Act (California Public  
12 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
13 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

14 Section 2. The San Francisco Business and Tax Regulations Code is hereby amended  
15 by amending Section 8, to read as follows:

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

17 Except for variance decisions, appeals to the Board of Appeals shall be taken within 15  
18 days from the making or entry of the order or decision from which the appeal is taken.

19 Appeals of variance decisions shall be taken within 10 days. Appeals shall be taken by filing a  
20 notice of appeal with the Board of Appeals and paying to said Board at such time a filing fee  
21 as follows:

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

24 (1) For each appeal from the Zoning Administrator's variance decision the fee shall be ~~\$400~~  
25 \$857.28.

1 (2) For each appeal from any order, requirement, decision or other determination (other than a  
2 variance) made by the Zoning Administrator, the Planning Department or Commission or the  
3 Director of Planning, including an appeal from disapproval of a permit which results from such  
4 an action, the fee shall be ~~\$400~~ \$857.28.

5 (b) **Department of Building Inspection.**

6 (1) For each appeal from a Department of Building Inspection denial, conditional approval or  
7 granting of a residential hotel or apartment conversion permit the fee shall be ~~\$350~~ \$750.12.

8 (2) For each appeal from the granting or denial of a building demolition, or other permit (other  
9 than residential hotel conversion) the fee shall be ~~\$100~~ \$214.32.

10 (3) For each appeal from the imposition of a penalty only the fee shall be ~~\$200~~ \$428.64.

11 (c) **Police Department.**

12 (1) For each appeal from the denial or granting of a Police permit or license issued to the  
13 owner or operator of a business the fee shall be ~~\$250~~ \$535.80; for each such permit or license  
14 issued to an individual employed by or working under contract to a business, the fee shall be  
15 ~~\$100~~ \$214.32.

16 (2) For each appeal from the revocation or suspension of a Police permit or license the fee  
17 shall be ~~\$250~~ \$535.80 for an entity or 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~~ \$160.74.

21 (e) For each appeal from any other order or decision the fee shall be ~~\$200~~ \$428.64.

22 (f) For requests for rehearing under Section 16 of this Article the fee shall be ~~\$100~~ \$282.

23 (g) For requests for jurisdiction the fee shall be ~~\$100~~ \$214.32.

24 (h) For requests for rescheduling hearings the fee shall be \$141.

1 (i) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d), (e), (f), ~~and~~  
2 (g) and (h) 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 Notice of appeal shall be in such form as may be provided by the rules of the Board of  
6 Appeals.

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

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

18 With respect to any decision of the Board of Appeals related to any "dwelling" in which  
19 "protected class members" are likely to reside (each as defined in Administrative Code  
20 Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code  
21 Chapter 87 which requires, among other things, that the Board of Appeals not base any  
22 decision regarding the development of such units on information which may be discriminatory  
23 to any member of a "protected class." Pending decision by the Board of Appeals, the action of  
24 such department, board, commission, officer or other person from which an appeal is taken,  
25 excluding (1) actions of revocation or suspension of permit by the Director of Public Health

1 when determined by the Director to be an extreme public health hazard and (2) actions of the  
2 Zoning Administrator or Director of the Department of Building Inspection stopping work under  
3 or suspending an issued permit, shall be suspended.

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

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7 By: \_\_\_\_\_  
8 Catharine S. Barnes  
9 Deputy City Attorney

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