



# Appeal Filing to the Board of Supervisors Adjustment, Reduction, or Waiver of Condominium Conversion Fee Appeal [Subdivision Code, Section 1396.4\(j\)](#)

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Pursuant to [Subdivision Code, Section 1396.4\(j\)](#), the applicant of any project subject to the condominium conversion fee for buildings that seek to convert under the expedited conversion program seeking a reduction, adjustment, or waiver of the requirement may appeal to the Board of Supervisors, if an appeal is filed in accordance with the procedures listed below. These paragraphs are written to provide a summary of the process. In case of a conflict between these paragraphs and the Subdivision Code, the Subdivision Code provisions control.

**Who May File An Appeal:**

The applicant of any project subject to the condominium conversion fee for buildings that seek to convert under the expedited conversion program and are seeking a reduction, adjustment, or waiver of the requirement.

**Filing Deadline:**

The notice of appeal must be filed within 15 calendar days after the date the applicant is required to pay AND has paid the fee to the City Treasurer.

[Subdivision Code, Section 1396.4\(j\)](#)

*NOTE: If the 15th day falls on a Saturday, Sunday or holiday, the appeal may be filed before 5:00 p.m. on the next business day.*



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## What to File:

(1 original and 2  
hard-copies)

The following shall be filed with the Clerk of the Board of Supervisors:

- 1) Notice of original signed letter of appeal, addressed to the Clerk of the Board, containing the detailed factual and legal basis for the claim of waiver, reduction, or adjustment;
- 2) Copy of the receipt of payment verifying the date the fee was paid; and
- 3) Any documentation to be included as evidence to support your appeal.

No appeal fee is required.

In accordance with [Subdivision Code, Section 1396.4\(j\)](#), the appellant bears the burden of presenting substantial evidence to support the appeal, including comparable technical information to support the appellant's position.

For this purpose, appellants are encouraged to review the City's technical report entitled "Condominium Conversion Nexus Analysis," dated January 2011, and other related documents, which are on file with the Clerk of the Board in File No. 120669 (Ordinance No. 117-13), and attached for your convenience.

*NOTE: Any materials will become public records, therefore, if any private information is included, Appellant is responsible for redacting such information prior to submission.*

## Where to File:

Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102



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**Conditional  
Acceptance:**

Upon receipt, the Clerk shall submit all information received to the City Attorney for a determination if such appeal on its face challenges, on a factual or legal basis, the relationship or nexus between the impact of development and the amount of the fee charged, then the Clerk of the Board shall schedule a hearing under [Subdivision Code, Section 1396.4\(j\)\(3\)](#).

If the City Attorney determines that the appeal on its face does not challenge, on a factual basis or legal basis, the relationship or nexus, then the Clerk shall notify the members of the Board of Supervisors within three business days of the appeal.

If, within three additional business days, any one member of the Board of Supervisors requests a hearing, then the Clerk shall schedule the hearing and notify all parties.

If no request for a hearing is received by any one member of the Board of Supervisors, then the Clerk shall inform the appellant and the Department of Public Works, within 10 business days from the date of filing, that the filing does not allege a proper basis for appeal, and shall reject the appeal on behalf of the Board of Supervisors, pursuant to [Subdivision Code, Section 1396.4\(j\)\(2\)](#).

**Hearing Date:**

Appeal hearings are scheduled within 60 days of the appeal filing; or, if in the case of a holiday or during the summer or winter recess, at the next regularly scheduled Board meeting.

**Decision:**

The decision of the Board of Supervisors shall be by a majority vote and shall be final.



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### **Next Steps:**

Once the Appeal is determined ripe and timely, the Clerk will notify the appellant of the date, time, and place for the hearing before the Board of Supervisors.

Additionally, 11 days prior to the hearing, the appellant shall provide the names and addresses of the interested parties to be notified in label format.

Any additional documentation the appellant would like the Board members to consider must be delivered to the Clerk no later than eight days prior to the hearing.

### **Contact:**

Office of the Clerk of the Board  
(415) 554-5184