AMENDMENT OF THE WHOLE IN BOARD

FILE NO. 991428

Amendment of the Whole in Board

Amended in Board

ORDINANCE NO.

1/18/00

1 [Permit Applications -- Contents]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE

(PLANNING CODE) BY AMENDING SECTIONS 306.1 AND 306.3 TO REQUIRE

DISCLOSURE IN A CONDITIONAL USE OR VARIANCE APPLICATION AND NOTICE FOR

PUBLIC HEARING OF THE NAME UNDER WHICH THE APPLICANT INTENDS TO

CONDUCT BUSINESS, REQUIRING THAT APPLICATIONS BE SIGNED UNDER PENALTY

OF PERJURY, AND AUTHORIZING THE ZONING ADMINISTRATOR TO REJECT AND

DELAY THE RE-FILING OF AN APPLICATION THAT INCLUDES MATERIAL

MISSTATEMENTS OR OMISSIONS; AMENDING PART II, CHAPTER I OF THE SAN

FRANCISCO MUNICIPAL CODE (BUILDING CODE) BY AMENDING SECTION 106.3 TO

REQUIRE DISCLOSURE IN A BUILDING PERMIT APPLICATION OF THE NAME UNDER

WHICH THE APPLICANT INTENDS TO CONDUCT BUSINESS, REQUIRING THAT

APPLICATIONS BE SIGNED UNDER PENALTY OF PERJURY, AND AUTHORIZING THE

DIRECTOR OF BUILDING INSPECTION TO CANCEL AND DELAY THE RE-FILING OF AN

APPLICATION THAT INCLUDES MATERIAL MISSTATEMENTS OR OMISSIONS.

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Article 3 of the San Francisco Planning Code is hereby amended by

amending Section 306.1, to read as follows:

SEC. 306.1. APPLICATIONS AND FILING FEES. (a) Who May Initiate. The persons

and agencies that may file or otherwise initiate actions for amendments to the Planning Code,

conditional uses and variances are indicated in Sections 302 through 305. The persons and

///

SUPERVISOR YEE
BOARD OF SUPERVISORS

Page 1

12/6/99
agencies that may file or otherwise initiate actions for amendments to the General Plan are indicated in Section 340.

(b) Where To File. Applications shall be filed in the office of the Planning Department.

(c) Content of Applications. The content of applications shall be in accordance with the policies, rules and regulations of the Planning Department, Zoning Administrator and the Planning Commission. All applications shall be upon forms prescribed therefor, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 306.3. In addition to any other information required by the Planning Department, the Zoning Administrator and the Planning Commission, an applicant for a conditional use permit or variance who proposes a commercial use for the subject property shall disclose the name under which business will be, or is expected to be conducted at the subject property, if such name is known at the time of application. If the business name becomes known to the applicant during the conditional use permit or variance processing period, the applicant promptly shall amend the application to disclose such business name.

(d) Verification. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented. All applications shall include the following statement: "The information contained in this application is true and complete to the best of my knowledge, based upon diligent inquiry. This application is signed under penalty of perjury. I understand that willful or material misstatement(s) or omissions in the application may result in the rejection of the application and a lapse of time before the application is considered.

The term "known" shall mean actual, not imputed knowledge, and shall consist of direct evidence including but not limited to a contract of sale, lease, rental, or letter of intent or agreement, between the applicant and a commercial entity."
application may be resubmitted." The Zoning Administrator may reject a conditional use or variance application as inaccurate and may require the applicant to re-file the application where the Zoning Administrator determines that the application includes material misstatements or omissions. Such rejection shall not be considered to be a denial of the application on its merits. Where the Zoning Administrator determines that such material misstatements or omissions were made willfully, the Zoning Administrator may require that the applicant wait up to 6 months before re-filing an application for substantially the same project. The Zoning Administrator’s action in this regard may be appealed to the Board of Appeals pursuant to Section 308.2 of this Code.

(e) Fees. Before accepting any application for filing, the Planning Department shall charge and collect a fee as specified in Article 3.5 or Article 3.5A of this Code.

Section 2. Article 3 of the San Francisco Planning Code is hereby amended by amending Section 306.3, to read as follows:

SEC. 306.3. NOTICE OF HEARINGS. (a) Except as indicated in Subsection (b) below, and except as provided in Sections 316.3 and 316.4 of this Code for conditional use applications where such authorization is required pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90 and .95 of Sections 710 through 729 for each Neighborhood Commercial District, notice of the time, place and purpose of the hearing on action for an amendment to the Planning Code or General Plan, conditional use or a variance shall be given by the Zoning Administrator as follows:

(1) By mail to the applicant or other person or agency initiating the action;

(2) By mail, except in the case of proposed amendments to change the text of the Code, not less than 10 days prior to the date of the hearing to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of
such area, using for this purpose the names and addresses of the owners as shown on the
latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail
to any such property owner where the address of such owner is not shown on such
assessment roll shall not invalidate any proceedings in connection with such action;

(3) By publication, except in variance cases, at least once in a newspaper of
general circulation in the City not less than 20 days prior to the date of the hearing;
(4) Such other notice as the Zoning Administrator shall deem appropriate.

(b) In the following situations, notice of hearings shall be given as indicated.

(1) In the case of variance applications involving a less than 10 percent deviation as
described in Section 305(c), the Zoning Administrator need give only such notice as the
Zoning Administrator deems appropriate in cases in which a hearing is actually held.

(2) In the case of amendments to reclassify land on the basis of general zoning
studies for one or more zoning districts, which studies either are citywide in scope or cover a
major subarea of the City, as determined by the Planning Commission, and where the total
area of land so proposed for reclassification, excluding the area of public streets and alleys, is
30 acres or more, the notice given shall be as described in Subsection (a) above, except that:

(A) The newspaper notice shall be published as an advertisement in all editions of
such newspaper, and need contain only the time and place of the hearing and a description of
the general nature of the proposed amendment together with a map of the area proposed for
reclassification.

(B) The notice by mail need contain only the time and place of the hearing and a
general description of the boundaries of the area proposed for reclassification.

(3) In the case of amending the General Plan, notice shall be given by an
advertisement at least once in a newspaper of general circulation in the City not less than 20
days prior to the hearing. The advertisement shall contain the time and place of the hearing.
and a description of the general nature of the proposed amendment and, if applicable, a map
of the affected area.

(c) In addition to any other information required by the Planning Department, the
Zoning Administrator and the Planning Commission, any notice required by this Section of an
application for a conditional use permit or variance which proposes a commercial use for the
subject property shall disclose the name under which business will be, or is expected to be,
conducted at the subject property, as disclosed in the permit application pursuant to Section
306.1(c), if the business name is known at the time notice is given. If the business name
becomes known to the applicant during the notice period, the applicant promptly shall amend
the notice to disclose such business name and the Department shall disseminate all the
various required hearing notices again with the disclosed name and allow the prescribed time
between the date of the notice and the date of the hearing.

Section 3. Chapter 1 of the San Francisco Building Code is hereby amended by
amending Section 106.3.1 to read as follows:

Section 106.3.1. Revise the following items:

3. For new buildings or structures, indicate the use or occupancy of all parts of the
building or structure for which the proposed work is intended. For alteration work, indicate the
proposed use or occupancy and the most current legal use or occupancy of all portions of the
building or structure affected by or relevant to the proposed work.

6. Be signed by the owner, or the owner's authorized agent, who may be required
to submit evidence to indicate such authority. Such agent shall be responsible for advising
the owner of all conditions attached to the application by the various approving agencies.
Section 106.3.1. Add the following new requirements:

8. Include, when available, the name, address and telephone number of the owner, architect, engineer and contractor. When applicable, State and City license numbers shall be indicated.

9. Contain an agreement by the owner of the premises to hold harmless the City and County of San Francisco and its officials and employees from all costs, liability and damages resulting, whether directly or indirectly, from use or occupancy of the sidewalk, street, or subsidewalk space, or from anything in connection with the work included in the permit. The agreement shall run with the land and be binding on all of the owner's successors in title.

Applications are transferable without payment of additional fees when the new owner or owner's agent submits a letter to the Department agreeing to all conditions of approval, stipulations and agreements contained on the application.

10. Where the applicant proposes a commercial use for the building or structure, include the name under which business will be, or is expected to be, conducted, if such name is known at the time of application. If the business name becomes known to the applicant during the permit processing period, applicant promptly shall amend the application to disclose such business name.

11. All applications shall include the following statement: "The information contained in this application is true and complete to the best of my knowledge, based upon diligent inquiry. This application is signed or verified via affidavit by the project sponsor or owner under penalty of perjury. I understand that willful or material misstatement(s) or omissions in the application may result in the immediate cancellation of the application and a lapse of time before the application may be resubmitted."

---

SUPERVISOR YEE
BOARD OF SUPERVISORS

Page 6
12/6/99
Section 4. Chapter 1 of the San Francisco Building Code is hereby amended by amending Section 106.3.7 to read as follows:

Section 106.3.7. Add the following section:

106.3.7 Cancellation of application during processing. The Director may hold in abeyance or reject any application, plans or specifications filed which, in the Director's opinion, do not provide the necessary information in a clear, correct, complete and concise manner as required in Section 106.3((.3)), and shall cancel such an application upon the expiration of the time period set forth below.

During the processing of the application, any corrections, additional information, plans or documents that are necessary to complete the processing by any of the enforcing agencies shall be submitted and approved within the following time limitations:

<table>
<thead>
<tr>
<th>Valuation</th>
<th>Time Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $100,000</td>
<td>*60 calendar days</td>
</tr>
<tr>
<td>$100,000 to $1 million</td>
<td>*90 calendar days</td>
</tr>
<tr>
<td>Over $1 million</td>
<td>120 calendar days</td>
</tr>
</tbody>
</table>

The above time limits shall start when the applicant or the applicant's representative has been notified by the enforcing agency representative that corrections are required. The time limitation shall apply until all corrections have been satisfactorily made. A one-time extension of 60 days may be granted by the Director at any point during the approval procedure, upon written request by the applicant and payment of fee. See Section 110, Table 1-J - Miscellaneous Fees - for applicable fee. In the event an extension of time extends the life of an application beyond the effective date of the adoption of a new code, the Director may require that all or part of the application be subject to the provisions of the new code. In the event the corrections have not been made within 21 days before the end of the stated or extended time period, the Department shall notify the applicant by certified mail that the
application will be canceled in 21 days unless the plans are made approvable within that time.

An application which exceeds the stated or extended time period after such notice shall be deemed canceled without further action by the Department.

A separate time limit period shall apply for each of the review stages within the enforcing agency; however, at no time shall the time limitation in any one review stage exceed that stated above.

If cancellation is due to willful or material misstatement(s) or omissions in the application, pursuant to Section 106.3.1.11, the Director may cancel the application immediately and may require that the property owner wait up to 6 months before re-applying for a permit for substantially the same scope of work.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: MIRIAM L. STOMBLER
Deputy City Attorney

SUPERVISOR YEE
BOARD OF SUPERVISORS
Ordinance amending Planning Code Sections 306.1 and 306.3 to require disclosure in a conditional use or variance application and notice for public hearing of the name under which the applicant intends to conduct business, and requiring that applications be signed under penalty of perjury, and authorizing the Zoning Administrator to reject and delay the re-filing of an application that includes material misstatements or omissions; amending Building Code Section 106.3 to require disclosure in a building permit application of the name under which the applicant intends to conduct business, requiring that applications be signed under penalty of perjury, and authorizing the Director of Building Inspection to cancel and delay the re-filing of an application that includes material misstatements or omissions.

December 6, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 6, 1999 Board of Supervisors — CONTINUED AS AMENDED ON FIRST READING
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 13, 1999 Board of Supervisors — RE-REFERRED: Finance and Labor Committee
Ayes: 6 - Becerril, Brown, Katz, Kaufman, Teng, Yaki
Noes: 5 - Ammiano, Bierman, Leno, Newsom, Yee

January 18, 2000 Board of Supervisors — NOT CONTINUED
Ayes: 5 - Becerril, Brown, Katz, Kaufman, Teng
Noes: 6 - Ammiano, Bierman, Leno, Newsom, Yaki, Yee

January 18, 2000 Board of Supervisors — AMENDED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

January 18, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
January 24, 2000  Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki, Yee

File No. 991428

I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 24, 2000
by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

11/26/00

Date Approved

Mayor Willie L. Brown Jr.