[Appeal of Stop Work or Suspension of Issued Permit.]

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Article 1, Section 8(h), to provide that an appeal to the Board of Appeals of an action by the Zoning Administrator or Director of the Department of Building Inspection stopping work under or suspending an issued permit does not suspend the action pending the Board's decision; providing that this ordinance shall apply retroactively to appeals filed on or after the date of introduction.

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

Section 1. The San Francisco Business and Tax Regulations Code is hereby amended by amending Article 1, Section 8, to read as follows:

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

Except for variance decisions, 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. Appeals shall be taken by filing a notice of appeal with the Board of Appeals and paying to said Board at such time a filing fee as follows:

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

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

(b) Department of Building Inspection.

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

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

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

(c) Police Department.

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

(2) For each appeal from the revocation or suspension of a Police permit or license the fee shall be $250 for an entity or individual.

(d) Department of Public Works. For each appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission, or department the fee shall be $75.

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

(f) For requests for rehearing under Section 16 of this Article the fee shall be $100.
(g) For requests for jurisdiction the fee shall be $100.

(h) An exemption from paying the full fee specified in Subsections (a), (b),
(c), (d), (e), (f), and (g) herein may be granted upon the filing under penalty of perjury of a
declaration of indigency on the form provided and approved by the Board. All agencies of the
City and County of San Francisco are exempted from these fees.

Notice of appeal shall be in such form as may be provided by the rules of the
Board of Appeals.

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

The Board of Appeals shall fix the time and place of hearing, which shall be not
less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not
later than 60 days after such filing or a reasonable time thereafter. In the case of a fixed
pedestal newsrack permit, a place of entertainment permit or an extended-hours premises
permit, the Board of Appeals shall set the hearing not less than 15 days after the filing of said
appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a
motion for rehearing. With respect to any decision of the Board of Appeals related to any
"dwelling" in which "protected class members" are likely to reside (each as defined in
Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of
Administrative Code Chapter 87 which requires, among other things, that the Board of
Appeals not base any decision regarding the development of such units on information which
may be discriminatory to any member of a "protected class." Pending decision by the Board of
Appeals, the action of such department, board, commission, officer or other person from
which an appeal is taken, excluding (1) actions of revocation or suspension of permit by the
Director of Public Health when determined by the Director to be an extreme public health
hazard and (2) actions by the Zoning Administrator or Director of the Department of Building
Inspection stopping work under or suspending an issued permit, shall be suspended.

Section 2. This ordinance shall apply to all appeals filed with the Board of Appeals on
or after the date of introduction of the ordinance.

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

By: JUDITH A. BOYAjian
Deputy City Attorney

Supervisor Peskin
BOARD OF SUPERVISORS

Page 4
8/27/01
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October 29, 2001  Board of Supervisors — PASSED, ON FIRST READING
   Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

November 5, 2001  Board of Supervisors — FINALLY PASSED
   Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
   Absent: 1 - Ammiano
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 5, 2001 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.