[Revising Board of Appeals Filing Fees.]

Ordinance amending Article 1, Section 8 of the San Francisco Business and Tax Regulations Code to increase specified Board of Appeals filing fees and to make technical corrections, and making environmental findings.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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 and place of entertainment, extended hours premises, and loudspeaker permits issued by the Entertainment Commission, 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 $400,000.

(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 $350,000.

(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 $100,000.

(3) For each appeal from the imposition of a penalty only the fee shall be $200,000.

(c) Police Department and Entertainment Commission.

(1) For each appeal from the denial or granting of a permit or license issued by the Police Department or Entertainment Commission to the owner or operator of a business the fee shall be $250,000; for each such permit or license issued to an individual employed by or working under contract to a business, the fee shall be $75,000.

(2) For each appeal from the revocation or suspension of a permit or license by the Police Department or Entertainment Commission the fee shall be $250,000 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 $75,000.

(e) For each appeal from any other order or decision the fee shall be $200,000.

(f) For requests for rehearing under Section 16 of this Article the fee shall be $100,000.

(g) For requests for jurisdiction the fee shall be $100,000.
(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.

(i) **Additional Requirements.**

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

(2) 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.

(3) 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.

(4) 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."

(S) Pending decision by the Board of Appeals, the action of such department, board,
commission, officer or other person from which an appeal is taken, **shall be suspended, except**
for 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. The Planning Department has determined that the actions contemplated in
this Ordinance are in compliance 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. 090543 and is incorporated herein by this
reference.

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

By:  
CATHARINE S. BARNES  
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

File Number: 090543 Date Passed:

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

June 9, 2009 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

June 16, 2009 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd
I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 16, 2009 by the Board of Supervisors of the City and County of San Francisco.

Date Approved: 6/23/2009

Mayor Gavin Newsom

Angela Calvillo
Clerk of the Board