

1 [Fair Housing Requirements for Board of Appeals]
2 AMENDING PART III OF THE SAN FRANCISCO MUNICIPAL CODE (REVENUE AND
3 FINANCE/BUSINESS REGULATIONS) BY AMENDING SECTION 8 TO PROVIDE THAT IN
4 CONSIDERING APPEALS RELATED TO "DWELLINGS" IN WHICH "PROTECTED CLASS
5 MEMBERS" (EACH AS DEFINED IN SAN FRANCISCO ADMINISTRATIVE CODE
6 CHAPTER 87) ARE LIKELY TO RESIDE, THE BOARD OF APPEALS SHALL COMPLY
7 WITH THE REQUIREMENTS OF CHAPTER 87 OF THE SAN FRANCISCO
8 ADMINISTRATIVE CODE.

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

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

13 Section 1. Part III of the San Francisco Municipal Code is hereby amended by
14 amending Section 8 to read as follows:

15 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.** Except for variance
16 decisions, appeals to the Board of Appeals shall be taken within 15 days from the making or
17 entry of the order or decision from which the appeal is taken. Appeals of variance decisions
18 shall be taken within 10 days. Appeals shall be taken by filing a notice of appeal with the
19 Board of Appeals and paying to said Board at such time a filing fee as follows:

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

22 (1) For each appeal from the Zoning Administrator's variance decision the fee shall
23 be \$400.

24 (2) For each appeal from any order, requirement, decision or other determination
25 (other than a variance) made by the Zoning Administrator, the Planning Department or

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1 Commission or the Director of Planning, including an appeal from disapproval of a permit
2 which results from such an action, the fee shall be \$400.

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

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

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

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

10 (c) **Police Department.**

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

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

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

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

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

22 (g) For requests for jurisdiction the fee shall be \$100.

23 (h) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d),
24 (e), (f) and (g) herein may be granted upon the filing under penalty of perjury of a declaration

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1 of indigency on the form provided and approved by the Board. All agencies of the City and
2 County of San Francisco are exempted from these fees.

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

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

10 The Board of Appeals shall fix the time and place of hearing, which shall be not less
11 than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later
12 than 60 days after such filing or a reasonable time thereafter. In the case of a place of
13 entertainment permit or a cabaret permit, the Board of Appeals shall set the hearing not less
14 than 15 days after the filing of said appeal, shall act thereon not less than 30 days after such
15 filing, and shall not entertain a motion for rehearing. With respect to any decision of the Board
16 of Appeals related to any "dwelling" in which "protected class members" are likely to reside
17 (each as defined in Administrative Code Chapter 87), the Board of Appeals shall comply with
18 the requirements of Administrative Code Chapter 87 which requires, among other things, that
19 the Board of Appeals not base any decision regarding the development of such units on
20 information which may be discriminatory to any member of a "protected class."

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1 Pending decision by the Board of Appeals, the action of such department, board, commission,
2 officer or other person from which an appeal is taken, excluding actions of revocation or
3 suspension of permit by the Director of Public Health when determined by the Director to be
4 an extreme public health hazard, shall be suspended.

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

9
10 By: *Louise Rene*
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 990497

Date Passed:

Ordinance amending Municipal Code, Part III, by amending Section 8 to provide that in considering appeals related to "dwellings" in which "protected class members" (each as defined in Administrative Code Chapter 87) are likely to reside, the Board of Appeals shall comply with the requirements of Chapter 87 of the Administrative Code.

November 15, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

November 22, 1999 Board of Supervisors — FINALLY PASSED

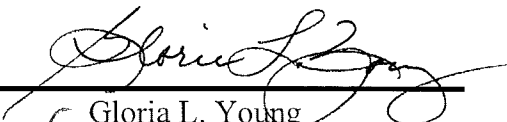
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 990497

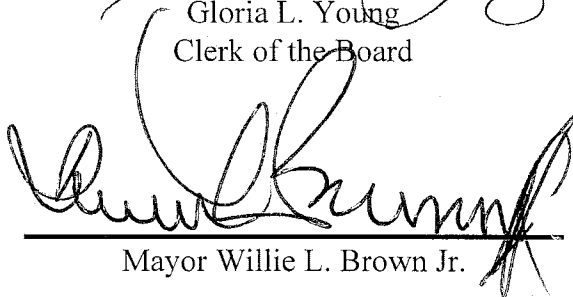
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 22,
1999 by the Board of Supervisors of the City
and County of San Francisco.

DEC - 3 1999

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.