



# Appeal Filing to the Board of Supervisors

## Conditional Use Appeal

### [Planning Code, Section 308.1](#)

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The decision of the City Planning Commission either approving or disapproving an application for a reclassification or a conditional use of property is final unless a valid appeal to the Board of Supervisors is filed in accordance with the procedures listed below. These paragraphs are written to provide a summary of the process. Further details are contained in [Planning Code, Section 308.1](#). In case of conflict between these paragraphs and the Planning Code, the Planning Code provisions control.

#### **Who May File An Appeal:**

Any person may file an appeal, provided the notice of appeal is subscribed either by the owners (as shown on the City's tax records) of at least 20% of the land area described in the next two paragraphs or subscribed by five members of the Board of Supervisors. Street areas do not count in the area calculation. Other government-owned property is not counted unless the government agency concerned is itself a subscriber to the appeal.

#### **If Disapproved:**

When a proposed amendment of conditional use has been disapproved by the City Planning Commission, the property affected shall be deemed to be all property within the area that is the subject of the application for amendment or conditional use, and within 300 feet of all exterior boundaries of the property that is the subject of the application.

#### **If Approved:**

When a proposed conditional use has been approved by the City Planning Commission, the property affected shall be deemed to be all property within 300 feet of all exterior boundaries of the property for which the conditional use has been approved by the City Planning Commission, excluding the property for which the approval has been given.

*NOTE: When a property is held in joint ownership, the signatures of joint owners shall be calculated in accordance with the provisions of [Planning Code, Section 308.1\(b\)4](#).*

*Thus, if property is owned jointly by a husband and wife, the signature of only one counts as representing only half of the square footage.*



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#### **Filing Deadline:**

In accordance with [Planning Code, Section 308.1](#), the notice of appeal must be filed within 30 calendar days of the date of the Planning Commission's decision, which normally occurs on a Thursday.

*NOTE: If the 30th day falls on a Saturday, Sunday or holiday, the appeal may be filed before 5:00 p.m. on the next business day.*

#### **What to File:**

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

(1 original and 2 hard-copies)

- 1) The required Appeal Form (signed by the Appellant/Authorized Agent) may be obtained from the Office of the Clerk of the Board of Supervisors, (attached);
- 2) A copy of the Planning Commission's Decision;
- 3) Any documentation to be included as evidence to support your appeal; and
- 4) \$562 Appeal Fee, payable to the Planning Department.  
[Planning Code, Section 352\(n\)\(1\)](#)  
AND [Planning Code, Section 350\(g\)\(1\)](#)

Fee waiver and refund information is attached.

*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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#### **Hearing Date:**

Upon receipt, the Clerk shall set a time and place for the hearing.

Appeal hearings are scheduled at regular meetings of the full Board of Supervisors within 30 days of the appeal filing. Appeals are scheduled on the last Tuesday within the 30 day period at 3:00 p.m. If more than one appeal is scheduled the Clerk of the Board may consolidate and/or schedule the second or later appeals at a specified time later than 3:00 p.m.

No Committee hearing is held.

#### **Hearing Notice:**

The Clerk sends notices to the appellant, owners of the subject property, owners of all properties within 300 feet, and other interested persons who request notification from the Clerk of the Board of Supervisors.

#### **Decision:**

The Board of Supervisors may disapprove the action of the Planning Commission by vote of not less than two-thirds of all members of the Board (8 votes).

#### **Continuances:**

Only the Board of Supervisors (not the Clerk of the Board) can continue or grant a written request for continuance of the appeal hearing.

A written request must be submitted by both parties, in advance, for the Board's consideration.

A continuance may also occur if less than a full Board is expected to be present on a hearing date.

The Board may not continue the hearing for more than 90 days from the date of filing of the appeal, pursuant to [Planning Code, Section 308.1\(c\)](#).



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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

V:\Appeals\Info Sheets\Conditional Use Appeal info Sheet  
DATE 1/11/2016

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL  
FROM ACTION OF THE CITY PLANNING COMMISSION**

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at \_\_\_\_\_.

\_\_\_\_\_  
Date of City Planning Commission Action  
**(Attach a Copy of Planning Commission's Decision)**

\_\_\_\_\_  
Appeal Filing Date

\_\_\_\_\_ The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_.

\_\_\_\_\_ The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_.

\_\_\_\_\_ The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_.

\_\_\_\_\_ The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

b) Set forth the reasons in support of your appeal:

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature of Appellant or  
Authorized Agent

City Planning Commission  
Case No. \_\_\_\_\_

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
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10. _____	_____	_____	_____
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18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. \_\_\_\_\_, a conditional use authorization regarding (address) \_\_\_\_\_, District \_\_\_\_\_. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

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**(Attach copy of Planning Commission's Decision)**