

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS**

BUDGET AND LEGISLATIVE ANALYST'S OFFICE

1390 Market Street, Suite 1150, San Francisco, CA 94102

(415) 552-9292 FAX (415) 252-0461

Policy Analysis Report

To: Supervisor Christensen
From: Budget and Legislative Analyst's Office
Re: Review of Construction Noticing
Date: November 9, 2015



Summary of Requested Action

Your office requested that the Budget and Legislative Analyst's Office to conduct an analysis of the noticing requirements for projects processed by the Department of Building Inspection and the Planning Department. The report should (1) assess the overall efficacy of noticing policies and practices, (2) assess the extent of duplicative or insufficient processes, (3) provide an analysis of sample project types illustrating the process, (4) review practices and policies of other jurisdictions, and (5) consider recommendations for the City's current process and requirements.

For further information about this report, contact Severin Campbell at the Budget and Legislative Analyst's Office.

Executive Summary

- San Francisco requires the public to be notified prior to the construction of most building projects that take place in the City. Noticing requirements are included in the City's Planning Code and Building Code and implemented by the Planning Department and Department of Building Inspection; the Board of Appeals issues public notices for any subsequent appeals. Sixty-two distinct project types require noticing, each of which may vary by the method of notice, mailing radius, and the number of days for the notice to be posted.
- The Planning Department's 2009 report titled "[Universal Planning Notification Project](#)" recommended consolidating the number of notification types, standardizing mailing and posting time periods and recipients, simplifying or eliminating outdated noticing provisions, and other process improvements. The Planning Department streamlined administrative processes, but other recommendations to amend codes to consolidate and streamline notification requirements were not implemented.
- While noticing requirements add some time to a project's development, they are a symptom of the overall project approval process in San Francisco rather than the main cause of any delays. According to a survey by the Wharton School of

Budget and Legislative Analyst

Business, San Francisco has one of the strictest set of land use regulations in the country. Several other studies suggest that these regulations add significant time and cost to development projects in the City.

- The purpose of the noticing requirements is to provide members of the community with information on projects in their neighborhoods and their rights to appeal and voice concerns about these projects. Large projects may have multiple noticing requirements. For example, the 85 unit housing project at 101 Hyde Street required 15 noticing events. It is difficult to know if 15 separate noticing events increased the community's awareness of the project. Notifications beyond a certain amount may be redundant when information about a project has previously been made available. In the absence of more detailed data about the impact of noticing, there is no way to objectively assess the sufficient amount of notifications for residents to have knowledge about a project. Streamlining or simplifying the notification requirements might improve residents' understanding of a project.
- Some notices are written with obscure legal jargon and may be confusing to residents. This impedes the purpose of noticing, which is to increase transparency and understanding of such projects.

An interactive dashboard and downloadable public data used in the report is available [online](#).

Policy Options

1. The Board of Supervisors should request the Director of Planning and Chief Building Inspector to recommend changes to the Planning and Building Codes to make noticing requirements more consistent across projects, including mailing radii and notice periods.
2. The Board of Supervisors should request the Director of Planning to simplify the language used in its notices. In instances where this is restricted by current code, the Department should propose changes to the code that permit language simplification.

Project staff: Josh Low, Matt Unrath, Julian Metcalf, and Severin Campbell

Noticing Requirements for Construction Projects

San Francisco requires the public to be notified prior to the construction of most building projects that take place in the City. Noticing requirements are included in the City's Planning Code and Building Code and implemented by the Planning Department and Department of Building Inspection; the Board of Appeals issues public notices for any subsequent appeals. These codes require the applicant and the relevant department to notify neighboring property owners and occupants and relevant neighborhood groups, allowing them an opportunity to voice concerns about a project that may have an adverse effect on their properties.

The Department of Building Inspection is primarily tasked with ensuring building safety through the compliance with the City's Building Code. The Planning Department is tasked with enforcement of the City's Planning Code, the City's General Plan, neighborhood plans, and review of environmental impacts. Both departments serve under commissions with members appointed by the Mayor and Board of Supervisors.

Sixty-two distinct project types require noticing, each of which may vary by the method of notice, mailing radius¹, and the number of days for the notice to be posted. These noticing requirements evolved incrementally over time to include a greater variety of projects that would require noticing. Figure 1 below shows the total number of noticing requirements by department.

Figure 1: Noticing Requirements for Buildings

Department	Noticing Requirements
Dept. of Building Inspection	10
Planning Department	51
Board of Appeals	1
Total	62

Source: Budget and Legislative Analyst's Office analysis

The Planning Department's 2009 report titled "[Universal Planning Notification Project](#)" recommended consolidating the number of notification types, standardizing mailing and posting time periods and recipients, simplifying or eliminating outdated noticing provisions, and other process improvements. The Planning Department streamlined administrative processes, but other recommendations to amend codes to consolidate and streamline notification requirements were not implemented. Opportunities still exist to better streamline notification requirements, primarily by simplifying current requirements. This would reduce the burden on construction projects and City departments, but still preserve timely notification and access to information for residents.

¹ The mailing radius is the number of feet from the project site to which notices must be mailed to the neighboring property owners, and in some cases, to property occupants.

Noticing Types

Mailed written notice and the placement of a sign or poster at the project site are the two main types of noticing. A few projects also require notices to be published in a newspaper, department offices, and on the department's website.

In addition to Planning and Building Code noticing requirements, San Francisco has adopted informal methods for informing the public about projects. The Planning Department maintains a [searchable map that shows any active permits](#) across the City. Through this tool, users can see what permits are active at any given time and search for projects in their neighborhood. The Department of Building Inspection and the Planning Department provide information on building permits, planning decisions, historic preservation, and other information through the [Property Information Map](#), which allows members of the public to search a specific address and see any associated permits or actions that are reflected at that address. Residents may also request a "[Block Book Notice](#)" from the Planning Department which provides notice of any permits on any property within San Francisco that is subject to the Planning Code. The Planning Department also publishes environmental documents on its website.

Number of Mailed Notices

An estimated 192,461 notices were mailed by the Department of Building Inspection, Planning Department, and Board of Appeals in FY 2014-15, as shown in Figure 2 below² The Department of Building Inspection and the Planning Department track the number of permit applications but do not track the individual notifications sent for those permits. The departments maintain these notification records in case files related to each project.

The Board of Appeals does track the number of notices that it sends and was able to produce such data upon our request. Our report uses this data as a proxy to estimate the total number of notices sent per year by combining it with the number of permit applications processed by each department.

² The Board of Appeals mailed 17,670 notices to owners and occupants within 150 feet of the subject property in FY 2013-14. This resulted in an estimated average of 41.4 notices sent to building owners, and 71.6 sent to occupants per mailing. We used these figures to estimate of the number of notices that were sent by all three departments at the various mailing radii required by those departments using their actual permit applications for FY 2014-15.

- 2013 American Community Survey data on owner and tenant occupancy was used to make a ratio and estimate volume for notices sent only to building owners. This underrepresents the number of notices mailed only to building owners since offsite owners are not factored into the calculation. The resulting estimates are illustrations of volume not precise figures.
- Some notices are sent only to buildings adjacent to the subject property. In lieu of precise data in these circumstances a radius of 30 feet was used as an approximation. This results in an estimated 8 to 23 notices being sent per mailing.

Figure 2: Estimated Notices Mailed in FY 2014-15

Department	Actual Applications	Estimated Mailed Notices
Dept. of Building Inspection	1,156	37,867
Planning Department ³	1,508	142,616
Board of Appeals ⁴	106	11,978
Total	2,770	192,461

Source: Budget and Legislative Analyst's Office analysis

Impact of Noticing Requirements on Projects

While noticing requirements add time to a project's development, they are a symptom of the overall project approval process in San Francisco rather than the main cause of any delays. Any effort to reform noticing requirements should be considered in the broader context of the City's planning and building permit requirements as a whole. Most noticing requirements are associated with events such as hearings, approvals, and permits – all of which take time to review and schedule by the City regardless of the noticing component. In fact, according to a survey by the Wharton School of Business, San Francisco has one of the strictest set of land use regulations in the country.⁵ Several other studies suggest that these regulations add significant time and cost to development projects in the City.^{6,7} The noticing component of these regulations adds some time to the overall process to conduct the noticing, and invites the potential for additional community involvement in the project's development. However, the amount of time this adds is likely minimal compared to the overall planning and building permit approval process.

Project Appeals

The number of appeals to projects in response to notices is small. Of the estimated 192,261 mailed notices in FY 2014-15, only 70 Public Initiated Discretionary Reviews and 106 appeals were filed.⁸ Therefore, the appeal process does not add to project time for most projects.

³ Planning Department notices related to Mt. Sutro Tower have a 1,000 foot mailing noticing requirement. The Department does not have data indicating noticing. There was likely a very low volume of notices sent given the neighborhood's relatively low density and without more information they were excluded from the estimation.

⁴ The actual number of appeals for FY 14-15 was not known at the time of this report. The estimated mailed notices for FY 14-15 uses the same methodology for estimating Building Inspection and Planning notices, but uses actual number of appeals from FY 13-14 and the median number of notices sent.

⁵ "[A New Measure of the Local Regulatory Environment for Housing Markets: The Wharton Residential Land Use Regulatory Index](#)", The Wharton School, Joseph Gyourko, Albert Saiz, and Anita A. Summers, March 29, 2007.

⁶ "[California's High Housing Costs: Causes and Consequences](#)" California Legislative Analyst Office, March 17, 2015

⁷ "[Zoning's Steep Price](#)" Edward Gleaser and Joseph Gyourko, February 2002

⁸ See Appendix for detailed information on the number of Discretionary Reviews and Appeals.

Impact of Noticing Requirements on Timing of Projects

The Budget and Legislative Analyst’s Office reviewed three construction projects that represented high, medium, and low levels of noticing requirements. We obtained documents including the actual notices and mailing lists for each project and interviewed key staff at departments to determine how they implement the required procedures for noticing.

As shown in Figure 3 below, the permit application and approval process, including public hearings and appeals, ranged from 42 months for the development of an 85-unit housing project at 101 Hyde Street, to 3 months for demolition of a garage in a two-unit residence at 441 Linden Street. The more complex 101 Hyde Street housing project required 15 notices and 181 days of noticing, which included appeals of the project.

Figure 3: Actual Noticing Requirements for Three Projects

Project	101 Hyde Street	1055 Green Street	441 Linden Street
	(High Noticing)	(Medium Noticing)	(Low Noticing)
Project Description	Demolition of existing building, and construction of 85 housing units, 4,923 sf retail space, and 15 parking spaces	Removal of the lower story bay window and addition of a balcony in a single family residence	Demolition of a detached garage in a two unit residence
Initial Permit Application	February 2015	March 2014	June 2012
Final Approval	July 2015	June 2015	October 2012
Total Project Approval Process	42 months	15 months	3 months
Number of Required Notices	15	5	3
Total Notices	1,577	661	250
Number of Days of Required Noticing	181 days	55 days	30 days
Public Hearings and Appeals	Yes	No	No

Source: Planning Department, and Department of Building Inspection Documents

The number of days of noticing did not necessarily add to the project length if other activities occurred during the noticing period. For the 101 Hyde Street project, some project delays were due to public hearings. Separate Planning Commission hearings were held for approval of the project and zoning variances, and separate Board of Appeals hearings were held for appeals to the Planning Commission project decision and zoning variance decision.

Administrative Impact of Noticing Requirements

The City spent at least an estimated \$618,000 in FY 2014-15 to mail an estimated 192,461 notices to residents. This is a relatively small cost considering the benefit to residents who wish to stay informed. The actual cost of producing and mailing notices is paid by permit applicants through various fees. For some Planning Department notices, permit applicants can choose to produce mailed notices through private companies, and the City's only role is to confirm their adherence to the code.

When possible, the Planning Department combines the required notices. For example, for 101 Hyde Street, the Planning Department combined the planning permit and approval of zoning variances into one poster and one mailed notice. However, Environmental Planning's notices were sent separately because the staggered timelines prevents mailings to be done simultaneously. According to staff at the Planning Department, both Current Planning and Environmental Planning had posters at the site at the same time, meaning that someone who visited the project would see both posters.

Impact on Residents

The purpose of the noticing requirements is to provide members of the community with information on projects in their neighborhoods and their rights to appeal and voice concerns about these projects. Residents receive several notices for projects and if they reside outside of the mailing radius can receive Planning Department notices by signing up for the Block Book Notice system.

The 101 Hyde Street project required 15 noticing events. It is difficult to know if 15 separate noticing events increased the community's awareness of the project. Notifications beyond a certain amount may be redundant when information about a project has previously been made available. In the absence of more detailed data about the impact of noticing, there is no way to objectively assess the sufficient amount of notifications for residents to have knowledge about a project. Streamlining or simplifying the notification requirements might improve residents' understanding of a project.

Confusing Language

Many notices describe the proposed project using confusing language and jargon. The Planning Department notes that in some instances their ability to simplify the


language is restricted by the current code requirements. The current language may fulfill legal requirements, but can be confusing for most residents. For example from the Planning Department’s notice of 101 Hyde Street:

“Request for Determination of Compliance pursuant to Planning Code Section 309, with exceptions to the requirements for Rear Yard pursuant to Planning Code Section 134 and Reduction of Ground-Level Wind Currents in C-3 Districts pursuant to Planning Code Section 148. Request for Variances pursuant to Planning Code Sections 305, 136, and 140 to include a corner bay element that does not meet dimensional requirements and to provide 28 units in the subject building that do not meet exposure requirements. The proposed project is to construct an eight-story 85-unit housing project with approximately 4,923 square feet of ground floor retail space, and 15 off-street parking spaces at a property currently developed with a one-story United States Postal Service Facility. The Project Site is located within the C-3-G (Downtown General) Zoning District and 80-X Height and Bulk District.”

On the other hand, Building Inspection’s notice of the demolition application is very straight forward and easy to understand:

“Pursuant to ordinance #32-84, you are hereby notified that an application has been filed on 06/27/2013 for a permit to demolish a building located at: 101 Hyde Street.”

Figure 4: Sample of Notices for 101 Hyde St. Project Provide Visual Contrast between Notice Types



SAN FRANCISCO PLANNING DEPARTMENT
1655 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-9409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, June 11, 2015**
Time: **Not before 12:00 PM (noon)**
Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
Case Type: **Determination of Compliance, Variance**
Hearing Body: **Planning Commission, Zoning Administrator**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 101 Hyde Street Cross Street(s): Golden Gate Avenue Block/Lot No.: 0346/003A Zoning District(s): C-3-G, 80-X Area Plan: N/A	Case No.: 2012.0086EVX Building Permit: 2013.06.27.0692, 2013.06.27.0695 Applicant: Albert Costa Telephone: (415) 986-0101 E-Mail: Albert@costa.trowen.com

PROJECT DESCRIPTION

Request for Determination of Compliance pursuant to Planning Code Section 309, with exceptions to the requirements for Rear Yard pursuant to Planning Code Section 134 and Reduction of Ground-Level Wind Currents in C-3 Districts pursuant to Planning Code Section 148. Request for Variances pursuant to Planning Code Sections 305, 136, and 140 to include a corner bay element that does not meet dimensional requirements and to provide 28 units in the subject building that do not meet exposure requirements. The proposed project is to construct an eight-story 85-unit housing project with approximately 4,923 square feet of ground floor retail space, and 15 off-street parking spaces at a property currently developed with a one-story United States Postal Service Facility. The Project Site is located within the C-3-G (Downtown General) Zoning District and 80-X Height and Bulk District.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).


ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available one week prior to the hearing through the Planning Commission agenda at: <http://www.sfplanning.org> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department’s website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:
Planner: Kate Conner Telephone: (415) 575-9314 E-Mail: kate.conner@sfgov.org

中文詢問請電: (415) 575-9010
Para información en Español llamar al: (415) 575-9310



Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

Notification of Application for a Demolition Permit
Application No.: 201306270395 Date: 06/28/2013

RESIDENT

332 GOLDEN GATE AVENUE
SAN FRANCISCO CA 94102

Pursuant to ordinance #32-84, you are hereby notified that an application has been filed on 06/27/2013 for a permit to demolish a building located at:
Address: 101 HYDE ST
Block/Lot: 0346 / 003A

Description: DEMOLISH POST OFFICE BUILDING
This ordinance requires that all owners of property within a 300 ft. radius of the building or structure and any interested organization or group, as provided in section 106.3.2.3, be given written notification.
The application is currently under review. A permit has not been issued as of the above date. You will receive written notification if and when a permit is issued per section 100.4.6.3 of the San Francisco Building Code and of your right to appeal the permit.

Owner/Permit Holder
Name: HC RIC MERRITT TRUST
Address: 8 ROSEVILLE CT
TIBURON CA 94920

Very truly yours,
PERMIT SERVICES
CENTRAL PERMIT BUREAU
(415) 568-9070

Contractor License
Name: NOT AVAILABLE

Central Permit Bureau
1660 Mission Street - San Francisco CA 94103
Office (415) 568-0070 - FAX (415) 568-0170 - www.sfgov.org/034

Potential Streamlining of the City's Noticing Requirements

Differences in Noticing Period

The City has a wide variety of noticing periods that may make it difficult for residents to understand their rights to challenge decisions on permits. This is particularly true for residents that receive multiple notices for a single project. It is easy to imagine a scenario where a citizen would mistake the hearing date for a permit with a 20 day notice when they received a previous notice with a 30 day period. The Planning Department recommended standardizing these requirements based on the findings of their 2009 Universal Planning Notification Project. However, none of the code changes were implemented at that time and the opportunity to streamline the code still exists.

Figure 5: Noticing Periods

Noticing Period	Total
10 days	21
14 days	1
15 days	4
20 days	4
21 days	1
30 days	10
45 days	1
No mailed requirement	19

Source: Building Inspection Code, Planning Code, Administrative Code

Streamlining the noticing periods would require changing several City codes. Most of these requirements emerged incrementally over time and may not have been considered in the context of all requirements. For example, a demolition permit issued by Building Inspection must be noticed 30 days prior to the hearing for the permit, while a variance approval from the Planning Department must be noticed 10 days before the hearing. The Board of Appeals sends its notices 21 days prior to the hearing before the Board of Appeals regardless of the project type. Figure 5 above shows the variety of mailing periods.

Differences in Mailed Notice Radius

The Planning Department recommended in the 2009 Universal Planning Notification Project standardizing the radius to which notices are mailed.

Currently, the project applicants provide notice to owners and/or occupants residing in a defined distance radius from the project. These requirements vary by project; the reasons for this variation are unclear. Figure 6 below shows the variety of mailing notice requirements and the number that are required by each department. If all noticing requirements were revised so that all notices were uniformly sent to all owners and all occupants in a 150 foot radius, the number of mailed notices would increase somewhat to 313,010 total notices mailed annually from the current estimate of 192,461.

Figure 6: Mailing Radius Requirements

Mailing Radius	Planning Dept.	Building Inspection	Board of Appeals	Total
1000' Occupants and Owners	1			1
300' Owners	16			16
300' Occupants and Owners	2	1		3
300' Occupants		1		1
300' owners and residential tenants of subject building and residential tenants within 25' of subject building	1			1
300' Owners, adjacent occupants and neighborhood groups	5			5
150' Occupants & 300' Owners	1			1
150' Owners	1			1
150' Occupants & Owners	5		1	6
100' Occupants	1			1
Adjacent Neighbors*	2			2
Owner of Subject Property	3			3
Owner, Appellant and Interested Parties	1			1
Owner of Subject Property and Property Owners in Historic District	1			1
Property Owners in Historic District	1			1
Owner and Residential Tenants of Subject Property and Residential Tenants within 25 feet of Property	1			1
Owner and occupants on same block and across street for one block		1		1
Adjacent Owners	2	1		3
Adjacent Owners & Occupants	1			1
Owner and occupants of building		1		1
Occupants of building		1		1
Owners of adjoining buildings		1		1
Sign/Poster at Property, Newspaper, or Other	6	3		9
Total	51	10	1	62

Source: Building Inspection Code, Planning Code, Administrative Code

* Varies from actual code, this is the longstanding practice at Zoning Administrator's discretion to reduce notice duplication for all notices for discretionary review hearings. Code states 150' Occupants & Owners.

Conclusion

Planning and building permit noticing requirements could be streamlined and still meet the intended purpose of allowing neighbors and community members to understand and respond to construction in their neighborhoods. Consistent noticing timelines and mailing radii, and simplified noticing language, would simplify City departments' administrative tasks and make it easier for neighbors and community members to understand the project status.

Policy Options

1. The Board of Supervisors should request the Director of Planning and Chief Building Inspector to recommend changes to the Planning and Building Codes to make noticing requirements more consistent across projects, including mailing radii and notice periods.
2. The Board of Supervisors should request the Director of Planning to simplify the language used in its notices. In instances where this is restricted by current code, the Department should propose changes to the code that permit language simplification.

Appendix – Department Noticing Requirements

Department of Building Inspection

The Department of Building Inspection mails written notification for projects in accordance with Building Code requirements including: demolition of a building, structural addition to an existing building, notification of determination that a building is unsafe, and notification of a public hearing to determine if a demolition of a building was unlawful. The mailing radius, and whether the notice is sent only to owners or also to occupants, may be different for each type of project.

The City's Building Code also requires the permit applicant to provide notice of the project by placing a sign at the project site for erecting a building, moving an existing structure to a new site, substantial alteration of an apartment house or residential hotel, or other projects. The applicant obtains this sign from the Department and must file an affidavit with the Department indicating that they have placed the sign.

The Department of Building Inspection only maintains documentation for the notices that it sends. The only documentation for projects in which the permit applicant is required to place a sign at the project site is a scanned copy of the affidavit in the project's file.

In FY 2014-15, the Department of Building Inspection processed 1,156 applications for projects that require the Department to send mailed notices. Figure 7 below shows the estimated number of notices.

Figure 7: Total Building Permit Applications and Estimated Notices in FY 2014-15

Project	Applications*	Estimated Mailed Notices**	Percent of Total Notices
Structural Addition	1,026	8,487	22%
Demolition	130	29,380	78%
Unsafe Building	0	0	0%
Unlawful Demolition	0	0	0%
Total	1,156	37,867	100%

* Source – Department of Building Inspection

** Budget and Legislative Analyst's Office estimate

While there are a higher number of structural additions each year than demolitions, the average number of notices sent out for a demolition is much higher than a structural addition due to the larger distribution radius associated with noticing demolitions than structural additions.

Planning Department

Two Planning Department divisions have responsibility for noticing specific elements of projects. The Current Planning Division ensures that development projects adhere to the Planning Code and various other plans established by the City, and provides notice of hearings on these projects. The Environmental Planning Division performs environmental review of projects, and provides notice of the various stages of filing an environmental report required by the California Environmental Quality Act (CEQA). The Planning Department mails written notices, takes out ads in the local newspaper, and provides signs and posters at the project site. The Planning Code stipulates the type of noticing required and the mailing radius for mailed notices. Environmental Planning noticing is regulated by Chapter 31 of the San Francisco Administrative Code.

Any specific project may be subject to multiple decisions by the Planning Department, each requiring public notices. The Current Planning and Environmental Planning Divisions do not coordinate their efforts due to their distinct functions. Because the timelines of activities between the two divisions typically do not match, notices are generally sent at separate times at the end of each project phase. However, in practice each division will try to combine notices under their purview if possible so as to not inundate the recipient with excessive information.

San Francisco has a unique approach to performing environmental review required by CEQA. At the beginning of the review process, CEQA guidelines require that the public agency must determine if the proposed action is discretionary, which CEQA calls a “project”. If the action is not considered a project, there are no further actions required under CEQA. If the action is considered a project, the action must go through an additional review process that can trigger the much longer environmental review process which is subject to further noticing requirements. According to Planning Department staff, San Francisco has interpreted CEQA so that all actions are considered projects, thus subjecting the actions to a higher likelihood of more detailed environmental review.

Neighborhood Notification and Discretionary Review

The Planning Department performs “neighborhood notification” for many projects and for changes of use in certain designated zoning. These neighborhood notifications are sent to owners and occupants within 150 feet of the subject property for a 30 day review period in which residents may request the Planning Commission to use its authority to perform a discretionary review of the project. Some of the projects covered by neighborhood notifications are also noticed by the Department of Building Inspection, meaning that a resident would receive two notifications for the same project.

Discretionary Review is authorized by the City’s Business & Tax Regulations Code, which allows the Planning Commission to review any building permit application that meets the minimum requirements of the Planning and other relevant codes. To reduce duplicative notices being mailed, the Planning Department has adopted the longstanding practice of mailing only to adjacent properties. This administrative decision reduces duplication of notices in instances where residents are generally aware of projects due to previous notices they’ve received.

Number of Notices

In FY 2014-15, the Planning Department received 6,782 applications⁹; 1,515 of these were subject to some form of mailed noticing requirements. Figure 8 below shows the five largest categories of projects that were subject to noticing requirements and the estimated number of notices that would be sent.

Figure 8: Highest Categories of Applications in FY 2014-15

Application Type	Applications*	Estimated Mailed Notices**	Percent of Total Notices
Applications requiring notices			
Neighborhood Notification	673	76,049	53%
Variance	216	17,866	13%
Conditional Use Authorization	181	14,971	10%
Discretionary Review ¹⁰	148	3,345	2%
Environmental Review	90	8,734	6%
Other Notice Requirements	<u>198</u>	<u>21,651</u>	<u>15%</u>
<i>Notice Requirements Subtotal</i>	<i>1,506</i>	<i>142,616</i>	<i>100%</i>
Applications not requiring mailing	5,276	N/A	
Total	6,782	142,616	

* Source – Planning Department
** Budget and Legislative Analyst’s Office estimate

Board of Appeals

The Board of Appeals provides the public with a final administrative review process for permits, licenses and certain decisions made by other City departments, including the Department of Building Inspection, the Planning Department, and the Zoning Administrator¹¹. Notices of hearings by the Board of Appeals are sent to owners and occupants within 150 feet of properties under appeal. In FY 2013-14, the Board of Appeals heard 106 appeals, which generated 17,670 notifications. Figure 9 below shows the distribution of appeals by department.

⁹ 6,782 applications were received in FY 2014-15. Some of these applications will not be completed until FY 2015-16 and previous year’s may have been processed in FY 2014-15. Thus, the estimated number of notices in this report provides only a rough estimate of annual volume.

¹⁰ 70 Discretionary reviews were public initiated, and 78 were initiated by staff.

¹¹ The Planning Commission determines if projects adhere to the City’s General Plan, whereas the Zoning Administrator administers and enforces the Planning Code.

Figure 9: Notices Sent By Board of Appeals in FY 2013-14

Department	Appeals	Actual Notices Mailed	Percent of Total Notices
Department of Building Inspection	82	10,959	62%
Planning Commission	6	3,319	19%
Zoning Administrator	18	3,392	19%
Total	106	17,670	100%

Source: Board of Appeals