



# Appeal Filing to the Board of Supervisors Adjustment, Reduction, or Waiver of Development Project Requirements Appeal [Planning Code, Section 406](#)

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The sponsor of any development project subject to a development fee or development impact requirement may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirement, pursuant to [Planning Code, Section 406](#). These paragraphs are written to provide a summary of the process. In case of a conflict between these paragraphs and the Planning Code, the Planning Code provisions control.

**Who May File An Appeal:**

The sponsor of any development project subject to a development fee or development impact requirement imposed by this Article may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirement based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the on-site requirement.

**Filing Deadline:**

In accordance with [Planning Code, Section 406](#), the notice of appeal must be filed within 15 days of the department or Planning Commission's decision.

*NOTE: If the 15th 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) Notice of original signed letter of appeal, addressed to the Clerk of the Board, containing the detailed factual and legal basis for the claim of waiver, reduction, or adjustment;
- 2) A copy of the final action on the project approval that assessed the requirement; and
- 3) Any documentation to be included as evidence to support your appeal.

No appeal fee is required.

*NOTE: Any materials will become public records, therefore, if any private information is included, Appellant is responsible for redacting such information prior to submission.*



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**Where to File:**

Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**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 60 days of the appeal filing. Appeals are scheduled on the last Tuesday within the 60 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.

The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support their position. Any materials that the appellant would like the Board members to consider must be delivered by 12:00 p.m., 11 days prior to the hearing.

No Committee hearing is held.

**Decision:**

The Board of Supervisors may overrule the department or Planning Commission's decision by a majority vote of all its members.

**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, 20 days prior to the hearing, the appellant shall provide the names and addresses of the interested parties to be notified in spreadsheet format.

**Contact:**

Office of the Clerk of the Board  
(415) 554-5184