



Appeal Filing to the Board of Supervisors

Conditional Use Appeal

[Planning Code, Section 308.1](#)

The decision of the 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) or "Verified Tenants" of at least 20% of the land area as described below 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.

"Verified Tenants" includes residential or commercial tenants of an affected property, who declare, under penalty of perjury under the laws of the State of California, that the tenant occupies the entire property or at least one separate unit on the property pursuant to a lease with a term exceeding 32 days. Pursuant to [Planning Code, Section 308.1\(b\)5](#), "Verified Tenants" who sign an appeal must maintain proof of tenancy, including either an executed lease reflecting a term of more than 32 days or at least one of the following forms of records to reflect that the tenant has occupied the property for more than 32 consecutive days as of the date of signature: (a) state or federal income tax records, (b) Department of Motor Vehicle (DMV) records including license, registration or California identification, or (c) utility bills. "Verified Tenants" may be required by Public Works to provide such proof of tenancy.

If Disapproved:

When a proposed amendment of conditional use has been disapproved by the 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.



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If Approved:

When a proposed conditional use has been approved by the 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 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 two persons, the signature of only one counts as representing only half of the square footage.

NOTE: Signatures of "Verified Tenants" will be weighted according to the percentage of the affected property represented by the residential or commercial rental unit they occupy to the total number of rental units in that property, and only one "Verified Tenant" for each qualifying unit shall be counted for each such unit ([Planning Code, Section 308.1\(b\)6](#)).

NOTE: Signatures of "Verified Tenants" and one or more owners of the same affected property, may total, but not exceed 100% of the land area in determining whether 20% of the property affected is represented by signatures to the appeal ([Planning Code, Section 308.1\(b\)7](#)).

Filing Deadline:

In accordance with [Planning Code, Section 308.1](#), the notice of appeal must be filed no earlier than 10 business days after the date of action by the Planning Commission, and no later than 30 calendar days from 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.



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What to File:

(1 original and 2
hard-copies)

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

- 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) \$729 Appeal Fee, payable to the Planning Department.¹

[Administrative Code, Section 31.22](#)

AND [Planning Code, Section 350](#)

For Fee Waiver information, visit <https://sfbos.org/appeal-information>.

NOTE: An appeal filing is not considered complete until all documents (see 1-4 above) have been received timely, including the Appeal Fee. Incomplete packages or those received after the mandated deadlines will be considered non-compliant and not eligible for consideration.

NOTE: Any materials will become public records; therefore, if any private information is included, the 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

Email appeal documents to: BOS.Legislation@sfgov.org

¹ Appeal Fee is subject to annual Consumer Price Index adjustment, as determined by the Controller. Contact the Clerk's Office at (415) 554-5184 or board.of.supervisors@sfgov.org to confirm current Appeal Fee.



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Hearing Date:

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.

Appeal hearings are scheduled at regular meetings of the full Board of Supervisors not less than 21 nor more than 45 days from the appeal filing. Appeals are scheduled on the last Tuesday within the 45 day period at 3:00 p.m.

Due to the fact that appeal hearings are scheduled from the date of filing, it is possible to have a hearing date scheduled before or very near the appeal filing deadline. If the Clerk of the Board receives additional appeal filings before the filing deadline, the initial hearing may be continued to not less than 21 nor more than 45 days.

[Any continuance outside of the prescribed deadlines shall require a written request from the party/parties.](#)

No Committee hearing is held.

Hearing Notice:

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

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.

Additional Documentation:

Any additional documentation the appellant would like the Board members to consider must be delivered to the Clerk no later 12:00 p.m., 11 days prior to the hearing.

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).



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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\(c\)](#).

Contact:

Office of the Clerk of the Board
BOS.Legislation@sfgov.org
(415) 554-5184

V:\Appeals\Info Sheets\Conditional Use Appeal info Sheet
Effective 8/28/23

No. _____

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners or “Verified Tenants” of property affected by the proposed amendment or conditional use (that is, owners or “Verified Tenants” of the 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.

“Verified Tenants” that sign below, hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct, and that the tenant occupies the entire property or at least one separate unit on the property pursuant to a lease with a term exceeding 32 days.

Street Address, property owned or rent	Assessor’s Block & Lot	Owner or Verified Tenant	Printed Name	Original Signature
1.				
2.				
3.				
4.				
5.				
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20.				

(All information provided is subject to public disclosure; personal information will not be redacted.)

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.

Supervisor Printed Name	Signature	Date

(Attach copy of Planning Commission’s Decision)

(All information provided is subject to public disclosure; personal information will not be redacted.)