



SAN FRANCISCO
PLANNING
DEPARTMENT

APPLICATION PACKET FOR Discretionary Review

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
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Pursuant to Planning Code Section 311 (d) and 312 (e), the Planning Commission may exercise its power of Discretionary Review over a building permit application.

Planning Department staff are available to advise you in the preparation of this application. Call (415) 558-6377 for further information.

WHAT IS A DISCRETIONARY REVIEW?

The Planning Commission has discretion over all building permit applications. Normally, this discretion is delegated to the Planning Department, which approves applications that meet the minimum standards of the Planning Code, including the priority policies of Code Section 101.1.

From time to time the Commission will review a permit application. The Commission may determine that modifications to the proposed project are necessary in order to protect the public interest. If so, they can require the permit applicant to make the necessary changes. The Department will disapprove the application unless the required changes are made. This process of Commission consideration is commonly known as "Discretionary Review" or simply "DR". By filing a DR application, a member of the public is asking the Commission to exercise its discretionary power.

Discretionary Review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission's discretion is sensitive and must be exercised with utmost constraint.

WHEN IS A DISCRETIONARY REVIEW NECESSARY?

If no resolution is achieved between neighbors or with the help of Department staff, or Community Board mediation services, the Commission will hold a public hearing after the close of the notification period in which it will consider whether to approve, disapprove or require modifications to the project. The Commission will make its decision on the case based on the materials submitted by the permit applicant, DR requester and interested parties, as well as the testimony presented to the Commission at the scheduled public hearing.

HOW DOES THE PROCESS WORK?

Applicants requesting Discretionary Review must fill out the attached application and submit it in person at the Planning Information Center, 1660 Mission Street, first floor, with the required materials along with a check payable to the Planning Department. (Please consult the current fee schedule, available at the Planning Information Center.)

The application will not be accepted by mail, messenger or at the Planning Department reception desk. The planner will gather comments and concerns from the neighborhood during the notification period. Neighborhood support or opposition will be reflected in a staff report presented at the Planning Commission hearing complete with the Planning Department recommendation to the Planning Commission to either take Discretionary Review or not take Discretionary Review.

WHO MAY APPLY FOR A DISCRETIONARY REVIEW AND WHEN CAN ONE APPLY?

Once the planner determines the minimum standards are met and the project is approvable, the Department will mail a notice to residents and property owners within 150 feet of the subject property and neighborhood organizations. The notice describes the project, and generally includes copies of the plans. The application is held for up to 30 days to allow neighbors to assess the project and determine whether there are any exceptional and extraordinary circumstances which they feel warrant DR and, if so, to file a DR request. The Planning Department only accepts DR requests during this 30-day public notification period. If a DR is requested, the Zoning Administrator shall set a time for hearing requests for discretionary review by the Planning Commission within a reasonable period. In addition to requesting discretionary review by the Planning Commission, one may appeal the issuance of the permit to the Board of Appeals. Such an appeal may be filed within 15 days of the date of permit issuance. (Permits are officially issued by the Central Permit Bureau [558-6070], which comes well after Planning approval.)

INSTRUCTIONS:

Applicants requesting Discretionary Review must fill out the attached application and submit it in person at the Planning Information Center, 1660 Mission Street, first floor, with the required materials along with a check payable to the Planning Department. (Please consult the current fee schedule, available at the Planning Information Center.) The application will not be accepted by mail, messenger or at the Planning Department reception desk. Answer all questions fully. Please type or print in ink. Attach additional pages as necessary, labeling all additional pages with the address of the property for which you are requesting Discretionary Review. Please number each page accordingly. You must provide each of the following to accompany your Discretionary Review application.

Please provide the following materials with this application:

- **Mailing Lists:** Two copies of a typewritten list including all the parties listed below must be submitted with your application. The first copy must be on self-adhering labels, and the second must be a photocopy of the labels (or a second set of labels). Include the names and addresses of the building permit applicant, the DR applicant, and concerned party. Please also include names and addresses for all abutting properties and those across the street. Please see the diagram on page 4. The names and addresses for the mailing list can be obtained at the Assessor's Office, City Hall, Room 190.
- **Discretionary Review Application:** Legibly print your name, address and phone number on the appropriate lines. If you are acting as an authorized agent, please indicate the name of the party you represent in the appropriate section. You should answer all the questions on the application. Include specific reasons for requesting Discretionary Review and a clear description of the proximity of your property to the subject site. Be specific as possible, especially in describing issues of concern. List all concerns and explain fully all projected impacts on surrounding properties, alternatives to the project, suggested changes to the project or other measures that would reduce the potential impacts. It is important to suggest reasonable alternatives, recognizing that the permit applicant normally would be allowed to build their project as originally proposed.
- **Additional Copy of Discretionary Review Application:** Please submit an additional copy of the completed Discretionary Review Application. This copy will be sent to the permit applicant of whose project you are requesting discretionary review.
- **Photographs:** Please include photographs of both the subject site and surrounding street frontages that are helpful in demonstrating your concerns. Please show the existing and anticipated neighborhood impact. Photographs should be adequate in size to show the nature of the property. In addition, please include photos showing specific concerns. Identify on the back of the photo the address of the buildings photographed, including the subject site and the point from which the photograph was taken.

- If you are aware of relevant covenants or deed restrictions on the property relevant to the subject of this Application, describe these restrictions, or submit a copy and indicate their expiration date, if any. (Note: covenants bind the owner, not the City.)
- In making this application for DR, you are requesting that the Planning Commission exercise control over a project that meets the zoning standards applicable to the subject site. The Commission only does this where exceptional and extraordinary circumstances exist. The burden of showing why a project that meets the minimum standards should be denied or modified rests with the DR Applicant. Consequently, you must make your request to the Planning Commission clear and concise. In addition to the written statement provided in your application, you may submit other materials that help prove your case. (Please keep submissions to 8.5" by 14" if possible, and preferably 8.5" by 11".) All plans, photographs and other exhibits submitted with this application will be retained as part of the permanent public record.
- Supplemental materials for the Commission to review in addition to the initial DR application these materials must be submitted to the project planner by the Wednesday, one week prior to the hearing date to be included with the staff case report. Please contact the project planner for the amount of copies required. The supplemental materials shall be submitted on 8 1/2" x 11" (folded 11" x 17" reduced plans may also be accepted). Materials not submitted by the deadline above shall be submitted directly to the Commission the day of the hearing.

Fees:

Please refer to the Planning Department Fee Schedule available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6378.

Planning Commission Hearing Material:

This timeline includes a deadline for project sponsors to submit material to staff to be included in the Commission packet. If the Sponsor does not submit the necessary material by the deadline, the project will be continued to a later hearing date.

- Three weeks prior to hearing: Project Sponsor submits draft project graphics (plans, renderings etc) to project planner.
- Two weeks prior to hearing: Project planner submits Draft staff report (must include draft attachments) to Team Leader for review.

- Ten days prior to hearing (5pm on Monday): Deadline for submittal of all sponsor material and public comment to be included in Commission packets
- One week prior to hearing: Project planner delivers complete Commission packets to the Commission Secretary.

ADDITIONAL INFORMATION ABOUT DISCRETIONARY REVIEW

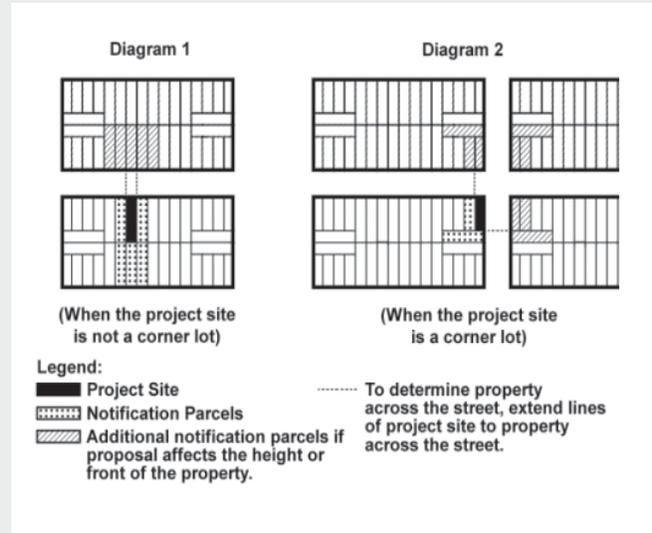
The Planning Commission may use its discretionary powers to review any building permit application that meets the minimum requirements and standards of the Planning and other Codes, if the Commission judges that action on the application is necessary to ensure that the interests of the City and its neighborhoods are protected. Any concerned party may request discretionary review by filing the appropriate application with the Planning Department. However, the Commission reserves this power for exceptional and extraordinary circumstances, generally involving conflicts with the City's Master Plan and the Planning Code Priority Policies

The Planning Commission derives its discretionary review authority from San Francisco's Municipal Code under the Business & Tax Regulations Code, Article 1 Permit Procedures, Section 26 (a). The authority to review permit applications that meet the minimum standards applicable under the Planning Code is set forth by City Attorney Opinion No. 845, dated May 26, 1954. The opinion states that the authority for the exercise of discretionary review is "a sensitive discretion...which must be exercised with the utmost restraint" to permit the Commission "to deal in a special manner with exceptional cases." Therefore, discretionary review should be exercised only when exceptional and extraordinary cases apply to the proposed construction, and modifications required only where the project would result in a significant impact to the public interest. The City Attorney's Opinion was reviewed in 1979 and re-affirmed with Opinion No. 79-29, dated April 30, 1979, and the power of Discretionary Review has been upheld in the courts.

To file your Discretionary Review application, please come to the Planning Information Center (PIC) located at 1660 Mission Street to submit in person. Please bring your completed application with all required materials.

Notification Instructions

- Submit two copies of a typewritten list including all the parties listed below with your application. The first copy must be on self adhering labels, and the second must be a photocopy of the labels (or a second set of labels).
 - names and addresses of all concerned parties which you are aware.
 - name(s) and address(es) of building permit applicant(s).
 - Discretionary Review applicant's name and address.
 - names and addresses of all abutting property owners and occupants and property owners and occupants directly across the street from the subject property (please see the diagram below).



EXAMPLE OF MAILING LABEL

Block # / Lot #	#9331 / #07
Name	JOHN DOE
Address	123 South Street #2 San Francisco, CA 94100

NOTE: THIS EXAMPLE IS NOT TO REQUIRED SCALE

- If you wish to prepare the materials yourself, block maps may be traced at the office of the Assessor, 81 Dr. Carlton B. Goodlett Place, City Hall, Room 190. The width of the public right-of-way for the streets separating the blocks may be determined at the Department of Public Works, Bureau of Street Use and Mapping, 875 Stevenson Street, Room 460, 554-5810.
- You may, for a fee that varies by firm, have a private drafting or mailing service prepare these materials.

The following businesses have indicated that they provide professional notification services. This listing does not constitute an endorsement. Other professionals can also perform this work and can be added to this list upon request.

Build CADD
3515 Santiago Street
San Francisco, CA 94116
(415) 759-8710

Notificationmaps.com
Barry Dunzer
(866) 752-6266
www.notificationmaps.com

Javier Solorzano
3288 - 21st Street #49
San Francisco, CA 94110
(415) 724-5240
Javier131064@yahoo.com

Radius Services
1221 Harrison Street #18
San Francisco, CA 94103
(415) 391-4775
radiusservices@aol.com

Jerry Brown Designs
619 - 27th Street, Apt. A
Oakland, CA 94612
(415) 810-3703
jbdsgn328@gmail.com

Notice This
(650) 814-6750

Ted Madison Drafting
P.O. Box 8102
Santa Rosa, CA 95407
(707) 228-8850
tmadison@pacbell.net

What Applicants Should Know About the Public Hearing Process and Community Outreach

- A. The Planning Commission encourages applicants to meet with all community groups and parties interested in their application early in the entitlement process. Department staff is available to assist in determining how to contact interested groups. Neighborhood organization lists are available on the Department's website. Notice of the hearing will be to adjacent neighbors, the Project Sponsor, and applicable neighborhood organizations. The applicant may be contacted by the Planning Department staff with requests for additional information or clarification. An applicant's cooperation will facilitate the timely review of the application.
- B. The Commission requests that applicants familiarize themselves with the procedure for public hearings, which are excerpted from the Planning Commission's Rules and Regulations below.

Hearings. A public hearing may be held on any matter before the Commission at either a Regular or a Special Meeting. The procedure for such public hearings shall be as follows:

1. A brief description of the project issues and concerns by the Planning Department staff.
2. A presentation of the proposal by the DR requester -- not to exceed five (5) minutes. During the presentation, DR applicants should briefly describe their concerns about the proposed construction, how it affects their property or the neighborhood, and acceptable alternatives. Additional materials pertinent to the case may also be presented to the Commission at this time.
3. Presentation(s) supporting the DR request by other individuals or by a member of a neighborhood group or organization -- each speaker not to exceed three (3) minutes. Testimony should be kept brief and not duplicate the testimony or previous speakers. If possible, one person should be selected as the representative to make a presentation to the Commission. The Commission urges all parties supporting the DR request to limit the total length of their presentations to 15 minutes.
4. Presentation by project sponsor (building permit applicant) -- not to exceed five (5) minutes.

Project sponsor should address concerns of the DR requester and other individuals, including concerns articulated at the hearing, and demonstrate to the Commission why the project should be approved.

5. Presentation by persons or organizations supporting the project sponsor -- not to exceed three (3) minutes. The Commission urges all parties supporting the Project Sponsor to limit the total length of their presentations to 15 minutes.
6. The Commission may allow the DR requester a rebuttal not to exceed two minutes.
7. The Commission may allow the project sponsor a rebuttal not to exceed two minutes.
8. Public testimony is closed. The Commissioners may ask questions of various persons during their discussion and consideration of the project.
9. Action by Commission on the matter before it. The Commission can vote either to approve the project, approve it subject to certain modifications, disapprove it, or continue the case to a future date.

The Planning Commission action of the building permit can be appealed to the Board of Appeals within fifteen (15) days of the issuance or denial of the building permit application by the Central Permit Bureau.

- C. **Private Transcription.** The Commission President may authorize any person to transcribe the proceedings of a Regular, Special or Committee Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME:		
DR APPLICANT'S ADDRESS:	ZIP CODE:	TELEPHONE:
		()
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:		
ADDRESS:	ZIP CODE:	TELEPHONE:
		()
CONTACT FOR DR APPLICATION:		
Same as Above <input type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE:
		()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:		
CROSS STREETS:				
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
/				

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other
Additions to Building: Rear Front Height Side Yard

Present or Previous Use: _____

Proposed Use: _____

Building Permit Application No. _____ Date Filed: _____

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____

Date: _____

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

 Required Material. Optional Material. Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



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**FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department**

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1650 Mission Street, Suite 400
San Francisco CA 94103-2479

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FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

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*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*