

San Francisco Planning Process

General Plan: A list of objectives and policies that govern land use and development in the City, organized into 10 “elements,” including the Housing Element, and 14 “area plans,” including the Showplace Square/Potrero Area Plan.

Zoning: Rules that establish limits on uses, density, height, bulk, setbacks, etc. for each zoning district in the City to implement the policies of the General Plan. Each type of use either permitted, not permitted, or conditionally permitted. For example, Potrero Terrace and Annex are zoned RM-2 (Residential – Mixed, Moderate Density district) which allow dwelling units at a density of 1 unit for every 600 square feet of lot area as a permitted use (or with conditional use/PUD approval, 1 unit for every 400 square feet), with senior units at twice the allowable density.

Height and Bulk District: Regulates the height and bulk of buildings. For example, Potrero Terrace and Annex are in a 40-X height and bulk district (maximum of 40 foot tall buildings, with no bulk limitations).

Special Use District (SUD): For unique projects, the City sometimes creates special use districts that specify zoning controls in addition to those governed by the underlying zoning.

Rezoning: The Board of Supervisors may change the zoning, height and bulk district or create an SUD at any time, following a recommendation by the Planning Commission.

Land Use Applications: Request filed by a project sponsor with the Planning Department seeking approval for a particular use, either in conformity with current zoning or in conjunction with a request for a rezoning. If the proposed use is principally allowed by the zoning, only a building permit application needs to be filed and is reviewed by Planning Department staff; if the proposed use is a conditional use in the district, a conditional use application must be filed and the Planning Commission holds a public hearing and decides whether to approve, approve with conditions, or disapprove. Variance applications, which seek relief from a particular standard of the zoning based on hardship, are considered by the Zoning Administrator at a public hearing.

Pre-Application Meetings: A neighborhood meeting is required to be held by a project sponsor before submitting a land use application. Notice of the pre-application meeting is mailed to neighborhood associations and to abutting property owners and occupants.

Notices: After an applications is filed and 20 days before any hearing, public notice is provided to property owners within 150 feet (building permits) or 300 feet (conditional use and variance applications).

Land Use Entitlements: Authorization issued by the City permitting a particular use, density and sizes of buildings, such as a conditional use permit or PUD (planned unit development) issued by the Planning Commission, a variance issued by the Zoning Administrator, or a building permit issued by the Department of Building Inspection.

Design for Development (D4D): For large phased projects and Redevelopment Areas, a D4D is sometimes adopted along with the land use entitlements to provide specific design guidelines to be applied when buildings that are already approved through the land use entitlements are actually ready to be built in future project phases. This way, each individual building does not need to go through a separate approval process, so long as its size and design is consistent with the D4D.

Building or Site Permit: Authorization issued by the Department of Building Inspection, upon approval of the Planning Department staff, to allow construction of buildings consistent with the Land Use Entitlements.

Appeals: Conditional use permits may be appealed to the Board of Supervisors within 30 days; all other permits may be appealed to the Board of Appeals within 15 days.

Discretionary Review (DR): For building permits that do not require a separate land use entitlement, an opponent can seek “discretionary review” of the permit by the Planning Commission after the public notice is provided but before the permit is issued. DR does not apply to large projects such as Rebuild Potrero because land use entitlements (not just building permits) are required, including a PUD, which automatically requires a Planning Commission hearing.

California Environmental Quality Act (CEQA) Process

CEQA requires completion of environmental review before any project that could have a significant adverse impact on the physical environment is considered for approval. CEQA is an information gathering process, and completion of a CEQA document is not equivalent to approval of a project -- it merely indicates the information gathering and analysis phase is complete and the City can consider whether or not to approve the project.

Planning Department Major Environmental Analysis (MEA) Division: Division of Planning Department that conducts environmental review under CEQA for all City and private projects.

Categorical or Statutory Exemption: If there is no possibility an activity will have a significant impact on the physical environment, it is exempt from CEQA. The most widely uses exemption is for the repair, replacement or reuse of existing buildings or new construction of small building (for example, up to 6 units of infill housing).

Initial Study: When a project is not exempt, MEA (often with the help of an environmental consultant) usually conducts an Initial Study to analyze a project’s potential impacts on the environment in 16 impact categories, including air and water quality, transportation, biological, geotechnical, and cultural resources. Large projects sometimes skip the Initial Study stage and proceed directly to a “full” EIR that evaluates all 16 impact categories.

Negative Declaration (Neg. Dec.) and Mitigated Neg. Dec.: If the Initial Study indicates a project will have no significant impacts, or any impacts can be mitigated to less-than-significant, a Neg. Dec. or Mitigated Neg. Dec. is issued.

Environmental Impact Report (EIR): If the Initial Study indicates one or more environmental impacts are significant, MEA works with a consultant to draft and publish an EIR analyzing those significant impacts, proposing means of mitigating them, and analyzing a reasonable range of alternatives that can avoid the significant impacts. First a Draft EIR is published for public comment; after responses to all comments are prepared, a Final EIR is published.

Public Scoping Meeting: For very large projects, MEA conducts a public scoping meeting to help determine what environmental impacts to analyze in an EIR. There will be a public scoping meeting for Rebuild Potrero in about June 2010.

Public Comment Periods: Neg. Decs. have a 20-day public comment and appeal period. If no party appeals during the 20 days, the Neg. Dec. becomes final. Draft EIRs have a 45-day comment period, and all comments received on an EIR must be responded to in writing in the Final EIR. There is no comment period for a Final EIR.

Certification and Findings: No earlier than 10 days after the Final EIR is published, the Planning Commission can certify it as adequate, accurate and complete. If the EIR discloses unmitigated environmental impacts, before approving the project, the City must make findings that further mitigation measures or alternatives are infeasible and that the public benefits of the project outweigh the project's unmitigated significant environmental impacts, which in the City are often demolition of an historic resource or a street intersection level of service degrading to LOS E or F.

Appeals: Preliminary Neg. Decs. can be appealed to the Planning Commission during the 20-day appeal period; Final Neg. Decs, EIRs and Exemptions can be appealed to the Board of Supervisors during a 30-day appeal period. If a project opponent is unsuccessful in the appeal, they can file a lawsuit in the Superior Court challenging the adequacy of the City's CEQA review.

Exactions and Impact Fees

Inclusionary Housing: All new housing projects must include at least 15% of the units on-site as below market rate (BMR) units, provide such units off-site, or pay an in lieu fee to the Mayor's Office of Housing.

Eastern Neighborhoods Impact Fee: All new projects in the "Eastern Neighborhoods", including Potrero Hill, must pay an impact fee of at least \$8/square foot to pay for physical infrastructure improvements, including parks, transit, community facilities, child care and libraries, or provide public improvements on-site of an equivalent value through an "In-Kind Agreement". The Eastern Neighborhoods CAC advises the City on spending priorities for the impact fees.

School Fees: All new projects pay a fee to the SFUSD to support capital improvements to the City's schools.

Utility Capacity Charges: All projects also pay a "capacity charge" to connect to the City's water and wastewater systems.