



# CONDITIONAL USE AUTHORIZATION

## APPLICATION PACKET OF INFORMATION

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding applications for the authorization of Conditional Use. The first pages consist of instructions which should be read carefully before the application form is completed.

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

### WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use is a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as apply conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

### WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to residential demolition, Planned Unit Developments (PUD's), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

### HOW DOES THE PROCESS WORK?

Please review the instructions in this packet of information and ask PIC staff if you have any questions. After filling out the application and collecting the required plans, please contact the Planning Department for an intake appointment to process your application. At this appointment a planner technician will review your application to ensure that it is complete. The application will then be assigned to a planner, dependent upon the location of the subject property. The assigned planner will review the application against the San Francisco General Plan, the Planning Code, adopted design guidelines, and Planning Department policies and set a Planning Commission hearing date. All owners within 300 feet of the subject property will receive notification of the hearing and in many instances so will tenants within 150 feet. The assigned 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 for approval or disapproval of the conditional use.

## WHO MAY APPLY FOR A CONDITIONAL USE AUTHORIZATION?

A Conditional Use Authorization is an entitlement that runs with the property; therefore, the property owner or a party designated as the owner's agent may apply for a Conditional Use Authorization. [A letter of agent authorization from the owner must be attached.]

## BEFORE YOUR APPLY

### The Pre-Application Process

The following types of projects require a Pre-Application Meeting, provided that the scope of work is subject to Planning Code Section 311 or 312 Notification. When requested, Pre-Application meeting must occur prior to filing the first Planning entitlement application (i.e. Conditional Use Authorization, Variance, Building Permit).

- Projects subject to 311 or 312 Notification;
- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization;
- Community Business Priority Processing (CB3P); and
- Projects in PDR-I-G Districts subject to Section 313.

Please refer to the Pre-Application Meeting Instruction Packet available at [www.sfplanning.org](http://www.sfplanning.org) or at the Planning Information Center (PIC) counter at 1660 Mission Street, First Floor, San Francisco for further details.

## PLAN SUBMITTAL INSTRUCTIONS

The Conditional Use Authorization application includes a project description, necessary contact information, and at least two sets of findings that must be answered. The first set of findings is for the Conditional Use Authorization process and consists of a list of questions asking whether the use is necessary or desirable and whether such use may negatively impact the surrounding neighborhood. The second set of findings are Priority General Plan Policy Findings, which determine San Francisco General Plan consistency. Certain projects, depending on the scope of work, may request additional findings to be submitted, including but not limited to: removal of dwelling units, single-screen movie theaters and grocery stores over 5,000 sf, as well as Planned-Unit Developments. Please answer all questions fully. Please type or print in ink and attach pages if necessary.

Please provide the following materials with the application:

**Authorization:** If the applicant in this case is the authorized agent of the property owner, rather than the owner, a letter signed by the owner and creating or acknowledging that agency must be attached and is included in the application for Conditional Use Authorization.

**Owner, Applicant, Contact Person, and Community Liaison:** The CUA application includes fields for the property owner, applicant, project contact, and community liaison contact information (in many cases, these roles may be held by the same individual). The property owner is the owner of the parcel of land associated with the entitlement. The applicant may be the property owner, a business owner, an architecture firm or an expediter. The project contact may be a representative of any of the above and will serve as the primary contact for the planner assigned to the application. The community liaison may also be a representative of any of the above and will serve as the primary

contact to address any construction and/or operational concerns of the community. The community liaison contact is an ongoing requirement; therefore, any changes to the community liaison should be reported to the Zoning Administrator.

**Drawings:** The application must be accompanied by plans sufficient for proper determination of the case. In most cases a plot plan will be required, accurately showing existing and proposed structures on both the subject property and on immediately adjoining properties, open spaces, driveways, parking areas, trees, and land contours where relevant. Where the size or use of floor areas is material to the case, floor plans will also be required.

Drawings of building elevations must be provided when exterior changes are proposed. All landscaping should be clearly shown on the plans. A sign program may be submitted at this time. Certain types of conditional uses have additional special requirements under the Code and may require additional information to be submitted with the application; the Department staff will assist in determining what materials are required. A north arrow and scale shall be shown on each plan, and unless an exception is specifically granted by the Zoning Administrator the scale shall be not less than 1/8" = 1' -0" for site plans, 1/8" = 1' 0" for floor plans, and 1/4" = 1' 0" for elevations and plans showing layout of parking and loading. For additional information, please see the Plan Submittal Guidelines available at [www.sfplanning.org](http://www.sfplanning.org) under the Permit Forms page.

**Photographs:** The application must be accompanied by unmounted photographs, large enough to show the nature of the property but not over 11 X 17 inches.

All plans and other exhibits submitted with this application will be retained as part of the permanent public record in this case.

**Additional Conditional Use Criteria:** For certain types of Conditional Uses, the Planning Code sets out additional criteria for approval in the Code section under which authorization is sought. If any such criteria apply in this case, state in detail the manner in which you believe they will be met. The referenced Code sections are available on-line and may be explained to you at the PIC.

**During your intake appointment, please provide a digital copy of all documents submitted (may be provided via CD or USB drive) containing the application, project drawings and any other submittal materials that are available electronically.**

## **Fees**

Please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://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) 558-6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

## **Notification Materials**

Upon scheduling the Planning Commission hearing, the assigned Planner will request the required notification materials. Timely submittal of these materials will ensure that your project stays on schedule.

All Conditional Use Authorization applications require the notification of the property owners within a 300-foot radius of the subject property. Some projects also require Section 311/312 notification (that may be combined with the CU notice). Your planner will specify all notification requirements when they request the materials.

For additional information regarding which notification materials apply to your property and project, please see the Notification handout available at [www.sfplanning.org](http://www.sfplanning.org) under the Permit Forms page.

### **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 other 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.

### **Environmental Review**

The California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code implementing that act may require an Environmental Evaluation before the application may be considered. Please consult the Planning Department staff to determine if an Environmental Evaluation application must be submitted with this application. A separate fee is required for environmental review.

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**To file your Conditional Use Authorization application, please send an email request along with the intake appointment request form to: [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). Intake request forms are available here: <http://sf-planning.org/permit-forms-applications-and-fees>. At your scheduled appointment, please bring your completed application with **ALL** required materials.**

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## 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. In many cases, this is required as part of the Pre-application 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 sent to groups in or near the neighborhood of the project. 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 thorough description of the issue(s) by the Director or a member of the staff along with the Planning Department's recommendation.
  2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
  3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
  4. Public testimony from individuals may speak for a period not to exceed 3 minutes.
  5. Director's preliminary recommendation must be prepared in writing.
  6. Action by the Commission on the matter before it.
  7. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
  8. The President may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
- 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.
  - D. **Opportunities for Appeals by Other Bodies:**  
Planning Commission actions on Conditional Uses are final unless appealed to the Board of Supervisors within 30 days of Commission action.



## San Francisco Planning

**FOR MORE INFORMATION:**

Call or visit San Francisco  
Planning

**Central Reception**

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

TEL: **415.558.6378**

FAX: **415 558-6409**

WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**

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