

1 [Extending deadlines by ten days for scheduling and/or deciding appeals under Planning
2 Code Section 308.1 when the Board does not conduct at least three regular meetings during a
3 deadline period.]

4 **Ordinance amending San Francisco Planning Code Section 308.1 to extend deadlines**
5 **by ten days, from 30 days to 40 days, for scheduling and/or deciding appeals under**
6 **Section 308.1 when the Board of Supervisors does not conduct at least three regular**
7 **meetings during a deadline period.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The San Francisco Planning Code is hereby amended by amending Section
14 308.1, to read as follows:

15 SEC. 308.1. APPEALS: AMENDMENTS TO THE PLANNING CODE AND
16 CONDITIONAL USES.

17 (a) Right of Appeal. The action of the Planning Commission, in disapproving
18 in whole or in part an amendment to the Planning Code initiated by application as described in
19 Section 302 and Sections 306 through 306.5, or in approving or disapproving in whole or in
20 part an application for conditional use authorization as described in Sections 303 and 304,
21 Sections 306 through 306.5, and Sections 316 through 316.6 of this Code, shall be subject to
22 appeal to the Board of Supervisors in accordance with this Section. An action of the
23 Commission so appealed from shall not become effective unless and until approved by the
24 Board of Supervisors in accordance with this Section.

25 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing

1 written notice of appeal with the Board of Supervisors within 30 days after the date of action
2 by the Planning Commission. The notice of appeal shall be subscribed by either (i) the
3 owners of at least 20 percent of the property affected by the proposed amendment or
4 conditional use or (ii) five members of the Board of Supervisors. The signature on the appeal
5 of members of the Board shall not be deemed to be any indication of their position on the
6 merits of the appeal but rather shall indicate only that they believe there is sufficient public
7 interest and concern in the matter to warrant a hearing by the Board of Supervisors. For the
8 purposes of this Section, the property affected shall be calculated as follows:

9 (1) When a proposed amendment or conditional use has been disapproved
10 by the Planning Commission, the property affected shall be deemed to be all property within
11 the area that is the subject of the application for amendment or conditional use, and within
12 300 feet of all exterior boundaries of the property that is the subject of the application;

13 (2) When a proposed conditional use has been approved by the Planning
14 Commission, the property affected shall be deemed to be all property within 300 feet of all
15 exterior boundaries of the property for which the conditional use has been approved by the
16 Planning Commission, excluding the property for which the approval has been given;

17 (3) In either of the above cases, when any property is owned by the City and
18 County of San Francisco, the United States Government or the State of California, or any
19 department or agency thereof, or by any special district, and is located within 300 feet of the
20 area that is the subject of the application for amendment or conditional use, such property
21 shall be excluded in determining the property affected unless such owner shall itself be a
22 subscriber of the notice of appeal; and

23 (4) Wherever a property is held in joint owner-ship, the signatures of joint
24 owners shall be calculated as representing affected property in direct proportion to the amount
25 of the total ownership of that property attributable to the joint owner or owners subscribing to

1 the notice of appeal. For the purposes of this calculation, the term "joint ownership" shall
2 include joint tenancies, interests in common, community property, partnerships, stock
3 cooperatives, condominiums, community apartments and planned unit developments. Where
4 each owner has exclusive rights to a portion of the property, the proportion of the total
5 ownership attributable to that owner shall be calculated in terms of a ratio of the floor area and
6 land area in which that owner has exclusive, joint and common rights to the total floor area
7 and land area of that property. Under these calculations, the land area of an affected property
8 in joint ownership shall be given the same weight as the land area of an affected property not
9 in joint ownership, in determining whether 20 percent of the property affected is represented
10 by signatures to the notice of appeal.

11 (c) Hearing. Upon the filing of such written notice of appeal so subscribed,
12 the Board of Supervisors or the Clerk thereof shall set a time and place for hearing such
13 appeal, which shall be not less than 10 nor more than 30 days after such filing. Provided, that
14 if the Board of Supervisors does not conduct at least three regular Board meetings during the 30 day
15 period referred to in the previous sentence, the Board of Supervisors or the Clerk shall schedule the
16 appeal not more than 40 days (rather than 30 days) after the filing of such written notice of appeal.
17 The Board of Supervisors must decide such appeal within 30 days of the time set for the
18 hearing thereon, provided that, if the full membership of the Board is not present on the last
19 day on which said appeal is set or continued for hearing within said period, the Board may
20 postpone said hearing and decision thereon until, but not later than, the full membership of the
21 Board is present; provided further, that the latest date to which said hearing and decision may
22 be so postponed shall be not more than 90 days from the date of filing of the appeal.
23 Provided, that if the Board of Supervisors does not conduct at least three regular Board meetings
24 during the 30 day period referred to in the previous sentence, the Board of Supervisors must decide
25 such appeal within 40 days (rather than 30 days) of the time set for the hearing thereon. Failure of the

1 Board of Supervisors to act within such time limit shall be deemed to constitute approval by
2 the Board of the action of the Planning Commission.

3 (d) Decision. In acting upon an appeal of a Planning Commission
4 determination on a request for reclassification by an interested party, the Board of Supervisors
5 may disapprove the action of the Planning Commission only by a vote of not less than 2/3 of
6 all members of the Board. In acting upon any other appeal of a Planning Commission
7 determination on a Planning Code amendment, the Board of Supervisors may disapprove the
8 action of the Planning Commission by a majority vote of the Board. In both cases, in the
9 event that one or more of the full membership of the Board is disqualified or excused from
10 voting because of an interest prohibited by general law or the San Francisco Charter, any
11 such disapproval shall be by a vote of all members of the Board that are not disqualified or
12 excused; provided, however, that in the event that a quorum of all members of the Board is
13 disqualified or excused from voting because of an interest prohibited by general law or the
14 Charter, the action of the Planning Commission shall be deemed approved. In the event the
15 Board disapproves the action of the Commission when the Commission has disapproved in
16 whole or in part a proposed amendment, the Board shall, not later than its next regularly
17 scheduled meeting, adopt the proposed ordinance. In the event the Board disapproves the
18 action of the Commission when the Commission has disapproved in whole or in part a
19 proposed conditional use, the Board shall prescribe in its resolution such conditions as are in
20 its opinion necessary to secure the objectives of this Code, in accordance with Section 303(d).

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 ATTORNEY'S NAME
25 Deputy City Attorney