

## Large Project Authorizations

Within Eastern Neighborhoods Mixed Use Districts, a project sponsor must apply for a Large Project Authorization if the proposal meets certain size thresholds. Large Project Authorizations allow a project sponsor to request exceptions from the Planning Code, provided that the Planning Commission evaluates the physical design aspects of the proposal at a public hearing.

A Large Project Authorization is required when:

1. The project includes the construction of a new building greater than 75 feet in height or includes a vertical addition to an existing building resulting in a total building height greater than 75 feet; or
2. The project involves an addition or new construction of more than 25,000 gross square feet; or
3. The project has 200 or more linear feet of contiguous street frontage on any public right of way.

The specific exceptions to the Code that may be requested through the Large Project Authorization are:

1. Exceeding the residential parking ratios;
2. Exception from residential usable open space requirements;
3. Modification of the horizontal massing breaks required by the Code;
4. Exception from loading requirements;
5. Exception to height limits for non-habitable architectural elements;
6. Exception from the minimum dwelling unit mix;
7. Exception for rear yards;
8. Exception from the number of Designated Office Stories for projects that contain more than one building on the project site, so long as specific criteria are met;
9. Relief from dwelling unit exposure requirements for designated landmarks when specific criteria are met;
10. Modification of the accessory use provisions of the Code for dwelling units, based on specific criteria; and
11. Modification of other Code requirements which could otherwise be modified as a Planned Unit Development.

## **Special Use Districts**

The Planning Code defines a variety of use districts, including Residential, Residential-Commercial, Neighborhood Commercial and Individual Area Districts, Commercial, Industrial, and Mixed Use districts. In addition, there are a number of "Special Use Districts" identified in Planning Code Section 249.69. Special Use Districts are overlays – the base zoning, and all of its provisions are guided by the underlying district, and any additional requirements or provisions are detailed in the specific Special Use District details.

## **Conditional Use (CU) Application**

A Conditional Use (CU) is a type of land 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 and 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 mitigate 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.**

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is **permitted (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 exemptions from off-street parking in certain Zoning Districts. Please consult a planner at the **Planning Information Counter (PIC)** for additional information regarding these applications.

## Discretionary Review (DR)

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 the San Francisco Planning Code Section 101.1. From time to time the Commission will review a Building 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 and 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. Conceptually, think of DR as a *second* look—with the opportunity for public participation—at Building Permit applications that have already been determined to comply with Planning Code standards and applicable design standards. The idea is that additional scrutiny by the Planning Commission might be necessary in some cases to judge whether the design guidelines were interpreted correctly or whether there are circumstances unique to a case that warrant further modifications of the proposed project, beyond the standards of the Code and applicable design guidelines.

Discretionary Review is a special power of the Planning Commission however, 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.

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 neighborhood 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.

### **Community Plan Exemptions**

State CEQA Guidelines allow streamlined review for projects within adopted Plan Areas, for which an EIR has already been adopted. These exemptions may be issued for larger projects that would not otherwise be exempt, if they are determined not to create significant impacts beyond those identified in the applicable area plan EIR.

### **Addenda to EIRs**

After the completion and certification of a Final EIR, a project may change, or the setting may change. The environmental effects of those changes must be assessed. When the Department determines that a change (to the project or to the setting) does not create new or substantially more severe impacts, an addendum to the EIR may be filed, rather than initiating a completely new EIR.

## **Environmental Impact Reports**

For projects that are not exempt from environmental evaluation, the project sponsor files a completed *Environmental Evaluation*. If the Department determines that the project could have a significant effect on the environment, an EIR is required. The purpose of the EIR is to provide objective and complete information regarding significant environmental impacts that may occur as a result of a proposed project. An EIR is a document that is meant to disclose information to the public – it is not an approval document.

### *Draft EIR Publication and Public Hearing*

The Department first publishes a Draft EIR (DEIR) based on initial studies, and makes the DEIR available for public review. In addition, the DEIR is considered by the Commission at a public hearing. The purpose of the hearing is to receive testimony related to the accuracy and completeness of the DEIR.

### *Final EIR Certification*

Following the DEIR hearing, a comments and responses document is prepared to respond to all substantive issues raised in the written and oral testimony. After reviewing the comments and responses document, the Commission certifies at a public meeting that the final EIR (FEIR) has been completed, and determines whether the project would or would not have a significant effect on the environment. It is important to note that certification does not approve or disapprove a project, but rather concludes that the EIR provides environmental information regarding the proposed project.

If the Commission determines that the project would have a significant effect on the environment, it may approve a project in one of two ways: (1) require changes in the project to reduce or avoid environmental damage if it finds such changes feasible (generally via alternatives and/or mitigation), or (2) find that changes are infeasible and make a statement of overriding considerations.