



SAN FRANCISCO PLANNING DEPARTMENT

Supplemental Memorandum

Date: May 31, 2018
Project Name: **Mayor's Process Improvements Ordinance**
Case Number: 2018-004633PCA [Board File No. 180423]
Initiated by: Mayor Farrell / Introduced April 24, 2018; reintroduced May 15, 2018
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On May 17, 2018, the Planning Commission held an informational hearing to consider an Ordinance proposed by Mayor Farrell that would implement several process improvement efforts recommended by the Planning Department in response to Mayor Edwin M. Lee's 2017 Executive Directive on Housing Production. At that hearing, Commissioners and members of the public raised concerns about the section of the Ordinance that would revise public notification procedures, and sought more information. The Commission moved to schedule an adoption hearing to make formal recommendations on the Ordinance on June 7, 2018.

Attached, please find a revised Executive Summary and Draft Resolution that provide an updated recommendation of *approval with modifications*. These revisions acknowledge and incorporate specific comments and concerns regarding proposed changes to notification procedures that were raised at the May 17 hearing, as well as in subsequent written comments, and are outlined below¹. We hope that this framework will be helpful in guiding the Commission's deliberations at the June 7 hearing.

- 1) The Ordinance would establish a **uniform notification period of 20 calendar days** for all forms of notice. In the case of notification for building permits, this would be a reduction from the current 30-day period. Concerns were raised that a shorter notice period for these projects would diminish the ability of the public to participate in the development review process.

¹ One additional modification to incorporate reference to the Urban Design Guidelines for affordable housing projects reviewed under Section 315 is incorporated in the revised Draft Resolution but not discussed in this memo.

- The Department continues to support a single uniform notification period for all types of notice. In consideration of current notification requirements, most of which are subject to a 10-day or 20-day notification period, a uniform 20-day notification period is appropriate. Coupled with ongoing technology improvements and the expansion of access to notification materials to tenants and to the general public via online notice, such a notification period is a reasonable policy that continues to support public participation in the planning process, while pursuing opportunities for efficiency and improvement. The Department nonetheless recognizes the concerns have been raised about a shorter notification period for certain types of notice and urges the Commission to consider this element of the overall ordinance carefully and make further recommendations as appropriate.
- 2) The Ordinance would maintain the current **required contents for all forms of notice** (e.g. project address, description of existing and proposed conditions). However, concerns were raised that the language of current notices does not provide for a clear summary of the proposed project that can be readily understood by members of the public.
- The Department acknowledges that notices should be made less technical and 'legalistic' and more accessible to members of the public. Staff has determined that improved content can and clearly provided, while eliminating extraneous technical language, without any change to the proposed Ordinance.
- 3) The Ordinance would establish a **required minimum size of mailed notice** of 4-1/4 x 6 inches (a standard postcard). Concerns were raised that this size mailer would be too small to include sufficient detail and could be easily missed in the mail.
- The Department recommends a larger minimum size of 5.5 x 8.5 inches (a standard half-page). A double-sided mailer of these dimensions is sufficient to clearly communicate the required contents.
- 4) The Ordinance would allow for **mailed notice to no longer include 11 x 17 inch architectural plans**, which are currently required for several types of notices, and would instead require that plans be made available online at a webpage indicated on the mailed and posted notice and publicly accessible on the Planning Department website during the notification period.
- The Department continues to support this aspect of the proposal. Commissioners and members of the public noted that architectural plans can be difficult to understand without formal design training and do not necessarily provide a clear representation of a proposed project, while staff has estimated that the requirement for mailed plan sets generates over 3 tons of paper annually. While the Ordinance contemplates, and the

Department would commit, to staff promptly mailing 11"x17" plans to members of the public upon request, the Commission could choose to recommend that this be made explicit in the Ordinance.

- Prior to the January 1, 2019 operative date of this proposed requirement, the Department would seek to work with concerned community members and organizations to identify visual aids that could augment the information provided in architectural plans, and include these as part of the online notice as well.
- 5) The Ordinance would establish a **required minimum size of posted notice** of 11 x 17 inches for all types of notice. Concerns were raised that this size poster may not be visible from the sidewalk. Additionally, concerns were previously raised at the Historic Preservation Commission hearing on the Ordinance that the requirement to include one poster every 25 feet of street frontage could be excessive or difficult to implement on especially long property frontages.
- In regards to the latter, the Department recommends the inclusion of language that would 1) require that posters be installed so as to be as visible and legible as feasible from the nearest sidewalk or public right-of-way and 2) restore current provisions that allow the Zoning Administrator to determine alternate means of satisfying poster placement requirements when needed to accommodate exceptional site conditions.
 - In regards to the former, the Department continues to support the proposed minimum dimensions for posted notice. These dimensions are unchanged from longstanding requirements for building permit applications under Sections 311 and 312. Moreover, the contents of the posters would be made more legible due to the revisions mentioned above and by virtue of the new requirement for online notification, which would require a digital copy of the posted notice – along with plans - to be available online during the entire notification period.
- 6) The Ordinance would no longer require notice for building permit applications for **limited horizontal additions in the rear yard** as currently permitted under Section 136. Several concerns have been raised including that 1) adjacent neighbors would not necessarily receive notification of the proposed addition until issuance of a building permit, 2) the two-story addition permitted by Section 136 could negatively impact neighboring properties, and 3) the lack of notification for these additions could allow for "serial permitting," through which an existing structure could be expanded under one permit (and associated notice) and then further expanded without notice within the limits of Section 136.

- The Department recommends language to specify that these limited rear yard additions be permitted without neighborhood notification only when the building in question had not been expanded within the three years prior to permit filing, in order to minimize the possibility of serial permitting.
- The Department recommends an expansion to the Commission's existing Pre-Application Meeting policy in order to require a Pre-Application Meeting between the applicant and adjacent neighbors before an application for the limited rear yard addition is submitted. This would provide neighbors advance notice of the proposal and the ability to request notification when a building permit is filed through the Block Book Notation process.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: JUNE 7, 2018
90 DAY DEADLINE: JULY 31, 2018

Date: May 31, 2018
Project Name: **Mayor's Process Improvements Ordinance**
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Recommendation: **Approval with modifications**

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PLANNING CODE AMENDMENTS

The proposed Ordinance would amend the Planning Code to streamline review of 100% affordable housing projects, eliminate duplicative review processes for most large residential projects in downtown C-3 districts, consolidate and modernize notification requirements and procedures, and provide for expedited review of minor alterations to historic landmark buildings and designated buildings in conservation districts.

The Way It Is Now:

A. Review of 100% Affordable Housing Projects and Large Downtown Projects

1. Per Planning Code Section 315, 100% affordable housing projects (not seeking a density bonus) are considered principally permitted uses and may seek certain exceptions to Planning Code requirements. Affordable housing projects seeking approval under Section 315 may use exceptions that are permitted based on the size and location of the development lot (e.g. Section 329 exceptions available to large projects in the Eastern Neighborhoods) through administrative review and without action by the Planning Commission that would otherwise be required. The Code does not allow an affordable housing project to seek exceptions from other project authorization types in other zoning districts, or those which

apply to other lot types. The Planning Department is authorized to review and approve an affordable housing project administratively, but an individual may request Discretionary Review of an affordable housing project before the Planning Commission.

2. Planning Code Section 206.4 establishes the 100% Affordable Housing Bonus Program. Projects seeking approval pursuant to this section are eligible for certain density bonuses including increased density and height increases, and certain modifications to the Planning Code related to parking, open space, rear yard, dwelling unit exposure, and loading. Bonus Projects are approved through an authorization process set forth in Planning Code Section 328, which provides for a Planning Commission design review hearing, but Bonus Projects are not required to seek conditional use authorization. The Planning Commission does not hear separate Discretionary Review requests for Bonus Projects.
3. Planning Code Section 309 establishes review procedures for projects located in C-3 districts, which allows for certain exceptions to Planning Code requirements. These exceptions may be granted by the Planning Commission for projects of greater than 50,000 gross square feet or more than 75 feet in height, or administratively for smaller projects. For most projects in C-3 districts, a Planning Commission hearing is required due to the scale of the project.

B. Notification Requirements and Procedures

1. Planning Code Section 311 establishes notification requirements for certain Building Permit Applications under Planning Department review in Residential districts, including for limited horizontal additions in the rear yard permitted under Section 136(c)(25). Section 312 establishes notification requirements for certain Building Permit Applications in Neighborhood Commercial, Eastern Neighborhoods Mixed Use Districts, and for Cannabis Retail and Medical Cannabis Dispensaries.
2. Public hearings of the Planning Commission, Historic Preservation Commission, and Zoning Administrator also require public notification as set forth in Planning Code Sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 317, 329, 330.7, 1006.3, and 1111.4. In all, the various requirements set forth in the Planning Code mean there are over 30 unique sets of notification requirements that the Planning Department is responsible for implementing as a part of project review.
3. The various current requirements are summarized in the table attached here as Exhibit D, and a general description of the primary forms of notice is provided here:

Mailed notice: refers to notice of Planning Department review or public hearings and 11 x 17 inch plan sets mailed to recipients within specified geographic areas (generally, a 150' or 300' radius from the project site) and within specified notification periods (10, 20, or 30 days).

Posted notice: refers to posters of various dimensions that are produced by the Planning Department and placed at the project site by the project sponsor in certain cases and for various notification periods.

Newspaper notice: refers to a notice of public hearing that must appear in a newspaper of general circulation at least 20 days prior to hearings for certain actions.

C. Minor Alterations to Historic Buildings

1. Section 1005 of the Planning Code requires that proposed alterations to designated landmark buildings or buildings in a designated historic district must obtain a Certificate of Appropriateness from the Planning Department, except as provided in four specific cases established in Section 1005(e). The four exceptions currently provided are:
 - (1) An application to make alterations on a site where an individual landmark was legally demolished.
 - (2) An application to make alterations to an interior not designated as part of the Landmark Ordinance;
 - (3) An application for ordinary maintenance and repairs only; including repair of damage caused by fire or other disaster;
 - (4) An application to make alterations within the public right-of-way where no public right-of-way features are identified in the designating Ordinance for review by the HPC.
2. Section 1111 of the Planning Code requires that building, site, alteration, or other permits related to a Significant Contributory Building or a building within a Conservation District must obtain either a Major or Minor Permit to Alter. Major Permits to Alter may only be granted by the Historic Preservation Commission, while Minor Permits to Alter may be granted administratively by the Planning Department, provided that such permits are held at the Planning Department for a period of 20 days prior to approval.

The Way It Would Be:

A. Review of 100% Affordable Housing Projects and Large Downtown Projects

1. Planning Code Section 315 would continue to provide for administrative approval of 100% affordable housing projects (not seeking a density bonus) with exceptions that are permitted based on the size and location of the development lot (e.g. Section 329 exceptions available to large projects in the Eastern Neighborhoods). Section 315 would be amended to further **provide for administrative approval of 100% affordable housing projects with exceptions that could otherwise be granted to a Planned Unit Development (PUD)** under Section 304, irrespective of the size or location of the project and with the findings as required by Section 303(c). In addition, **these projects would not be subject to a public hearing for Discretionary Review**, provided that the Planning Commission delegates such authority to the Planning Department for affordable housing projects subject to approval through Section 315. Administrative approvals pursuant to Section 315 would continue to be appealable to the Board of Appeals.
2. Planning Code Section 206.4 establishing the **100% Affordable Housing Bonus Program** would be unchanged except for updated references to other Code sections, and the eligibility criteria, density bonuses, and zoning modifications available to eligible projects would remain in place. Section 328, which requires a design review hearing before the Planning Commission for such Bonus Projects would be deleted and replaced with a new Section 315.1, which would establish an **administrative approval process for 100% affordable housing projects seeking a density bonus**. This administrative approval process would be similar to that set forth in Section 315, but the Planning Code exceptions available to such projects would be limited to those currently provided for in Section 206.4. In addition, **these projects would not be subject to a public hearing for Discretionary Review**, provided that the Planning Commission delegates such authority to the Planning Department for Bonus Projects subject to approval through Section 315.1. Administrative approvals pursuant to Section 315.1 would be appealable to the Board of Appeals.
3. Planning Code **Section 309 would be amended to allow for two additional exceptions** to Planning Code requirements for projects in the C-3 districts. These exceptions would be to the **dwelling unit exposure** requirements of Section 140, and the **useable open space** requirements of Section 135. Planning Commission review for projects of greater than 50,000 square feet or 75 feet in height would still be required for approval.

B. Notification Requirements and Procedures

Note: The amendments contained in Section 4 of the Ordinance, regarding notification requirements and procedures as summarized below, would have an **operative date of January 1, 2019**. This is intended to allow sufficient time for the Department to fully and effectively implement the new procedures, should the amendments be enacted. All other sections of the Ordinance would become effective 30 days after enactment, per standard procedures.

1. Planning Code Section 312 would be deleted and the notification requirements for certain Building Permit Applications in Neighborhood Commercial, Eastern Neighborhoods Mixed Use Districts, and for Cannabis Retail and Medical Cannabis Dispensaries would be added to Section 311, which would be amended to serve as the **single Planning Code Section establishing notification requirements for Building Permit Applications in both Residential and non-residential districts**. There would be no change to the types of Building Permit Applications, including changes of use to certain use types that require notification under the current Section 312.

There would be one change to the types of Building Permit Applications that require notification in Residential Districts in Section 311: **limited horizontal additions in the rear yard, within the limits permitted under Section 136(c)(25) would no longer require notification**. Specifically, Section 136(c)(25) allows for a rear addition of no more than 12 feet in depth from lot line to lot line for a one floor addition (a maximum 300 gross square foot expansion for a typical 25-foot wide lot), or no more than 12 feet in depth with a 5-foot setback from the side lot lines for a two floor addition (a maximum 360 gross square foot expansion for a typical 25-foot wide lot).

2. All public hearings of the Planning Commission, Historic Preservation Commission, and Zoning Administrator that currently require notification would continue to require notification. However, the current requirements set forth in Planning Code sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 317, 329, 330.7, 1006.3, and 1111.4 would be amended or deleted, as appropriate, to reference a new Planning Code Section 333.

The new **Planning Code Section 333 would establish a uniform set public notification procedures** applicable to all public hearings and Building Permit Applications under Section 311 that require notification.

Planning Code Section 333 would establish the following universal notification procedures:

- Universal **notification period of 20 calendar days** for all forms of required notice (mailed, posted, online)

- New requirement that **posted notice** include at least **one poster for every 25 feet of street frontage** at the subject property. Posters would still be required to be placed as near to the street frontage as possible, but **specific requirements would be set forth in a Zoning Administrator Bulletin**, rather than in the Planning Code.
- Universal **notification area for all mailed notices of 150 feet** in all directions from the project site, except for notification for Building Permit Applications for Sutro Tower, which would continue to be subject to a 1,000 foot radius mailing requirement, per Section 306.9.
- Universal **notification groups** for all mailed notification, to include property **owners and tenants** of buildings within the notification area, as well as to **registered neighborhood organizations and individuals** who have requested mailed notice. Currently, tenants are only provided mailed notice for certain Building Permit Applications and hearings.
- Newspaper notice would be replaced with a new requirement for **online notice** on the Planning Department website.

Planning Code Section 333 would require a **posted, mailed, and online notice** for all Building Permit Applications and public hearings that currently require notification, except as follows:

- Public hearings to consider **proposed legislation** (e.g. Planning Code Amendments) would require **online notification only**. Such hearings currently require only newspaper notification.
- Public hearings to consider proposed legislation that would reclassify **specific properties** (e.g. Zoning Map Amendment) or to establish Interim Zoning Controls, if the subject area is **30 acres or less**, the hearing would require **online notice and mailed notice**.
- Public hearings to consider proposed legislation that would **reclassify a single property or development site** (e.g. a Zoning Map Amendment or Special Use District), the hearing would require **online notice, mailed notice, and posted notice**.

Planning Code Section 333 would establish the following uniform requirements for the **format and content of mailed, posted, and online notice**:

- **Mailed notice** and **posted notice** would include the **same required contents** (e.g. address and block/lot of project, basic project details, instructions on how to contact Planning staff and file for Discretionary Review, etc) as are currently provided.
- **Mailed notice** would no longer include printed 11 x 17 inch plan sets, and instead would include **instructions on how to either download plan sets online or obtain paper copies of the plan sets**.

- **Mailed notice** would have a size and dimension as determined by the Zoning Administrator, but would have a **required minimum size of 4-1/4 x 6 inches in size** (a standard postcard) in all cases.
- **Posted notice** would have a size and dimension as determined by the Zoning Administrator, but would require a **minimum size of 11 x 17 inches** in all cases.
- **Online notice** would include a **digital copy of the posted notice** and a **digital copy of the plans** associated with the project formatted to print on 11 x 17 inch paper, and would be **publicly available on the Planning Department website** for the entire duration of the notification period.
- All forms of notice would be required to include instructions on how to access **multilingual translation services**. Currently, only certain mailed notices are subject to the requirements of Section 306.10.

C. Minor Alterations to Historic Buildings

1. Section 1005 of the Planning Code would be amended to specifically **exempt the following five minor scopes of work** from the requirement to obtain a Certificate of Appropriateness, provided that the alterations conform to the standards and guidelines as provided for in Section 1006.6:
 - (1) When the application is for a permit to alter a landing or install **a power-assist operator to provide an accessible entrance**.
 - (2) When the application is for a permit to install **business signs or awnings**.
 - (3) When the application is for a permit to install **non-visible rooftop appurtenances**.
 - (4) When the application is for a permit to install **non-visible, low-profile skylights**.
 - (5) When the application is for a permit to install a **City-sponsored Landmark plaque**.

Permits for these scopes of work could be approved administratively by Planning Department staff without requiring Historic Preservation Commission approval, and permits that could currently be approved administratively with an Administrative Certificate of Appropriateness would be subject to same-day approval by a Preservation technical specialist at the Planning Information Center, rather than being added to the permit review queue.

2. Section 1111.1 of the Planning Code would be amended to specifically exempt the following three scopes from the requirement to obtain a Minor Permit to Alter, provided that the alterations conform to the standards and guidelines as provided for in Section 1111.6:

- (1) When the application is for a permit to alter a landing or install a **power-assist operator to provide an accessible entrance**.
- (2) When the application is for a permit to install **business signs**.
- (3) When the application is for a permit to install **non-visible rooftop appurtenances**.

Permits for these scopes of work could be approved administratively by Planning Department staff without requiring Historic Preservation Commission approval, and permits that could currently be approved administratively with a Minor Permit to Alter would be subject to same-day approval by a Preservation technical specialist at the Planning Information Center, rather than being added to the permit review queue.

BACKGROUND

On September 27, 2017 Mayor Edwin M. Lee issued Executive Directive 17-02¹ to establish approval deadlines and accountability measures related to entitlement and construction permit approvals for new housing developments. In accordance with the Directive, the Planning Department issued a Process Improvements Plan² on December 1, 2017 outlining a variety of measures to enhance our regulatory and development review functions in order to streamline the approval and construction of housing in San Francisco.

Many of the proposals included in the plan can be undertaken administratively or by action of the Planning Commission, and many of these are already underway, while other proposals require amendments to the Planning Code. Several of these proposals would be implemented by the Planning Code amendments in the proposed Ordinance.

ISSUES AND CONCERNS

A. Review of 100% Affordable Housing Projects and Large Downtown Projects

1. Though Section 315 already provides for administrative approval of 100% affordable housing developments, projects often seek Planning Code exceptions that cannot be provided administratively because the project is not located in a certain area (e.g. the Eastern Neighborhoods for exceptions provided under Section 329), or does not meet certain other criteria that are required for the specific exceptions currently allowed for in Section 315. The structure of Section 315 limits the Department's ability to fulfill the intent of the Section, to

¹ <http://sfmayor.org/article/executive-directive-17-02>

² http://default.sfplanning.org/administration/communications/ExecutiveDirective17-02_ProcessImprovementsPlan.pdf

approve 100% affordable housing projects without requiring Planning Commission approval.

2. Affordable housing production is a complex undertaking, and project sponsors for these developments spend significant time and resources coordinating with Planning Department staff to deliver a desirable development project that also can meet the unique cost and program requirements associated with affordable housing finance. While affordable housing projects that seek to maximize the number of affordable housing units on a particular site may seek the 100% Affordable Housing Bonus development bonuses and zoning modifications available through Section 206.4, these projects must additionally comply with the review procedures of Section 328, meaning the project must appear at one or more Planning Commission hearings in order to be approved. This review procedure adds time, cost, and uncertainty to the development process for these high-priority affordable housing projects.
3. In addition to the Planning Commission review required in Section 309 for large projects in C-3 districts, large residential projects downtown routinely must also seek a Variance from the dwelling unit exposure requirement of Section 140 and the useable open space requirements of Section 135 of the Planning Code, due to the physical incompatibility of these requirements with high-rise development. The need for a Variance in these cases adds an additional layer of review and public hearing with the Zoning Administrator's office, and can add substantially to the time needed for Planning Department staff to complete project review, even though these modifications are routinely approved for such projects.

B. Notification Requirements and Procedures

1. Current notification procedures are overly complex, with over 30 combinations of notification types required for various types of Building Permit Applications and hearings. This level of complexity makes notification procedures unnecessarily time-consuming for Planning Department staff, and also invites minor errors in fulfilling notification requirements that can cause significant delays in project review and approval.
2. Current notification requirements are antiquated and wasteful, while not serving the public as broadly as possible given current technology. Mailed notification for Building Permit Applications subject to Section 311 and 312 alone generated over 600,000 pages or 3 tons of paper at a cost of over \$250,000 in 2017 due to the current requirement that 11 x 17 inch plan sets be mailed as part of the notice. The newspaper notification requirement cost the City over \$70,000 in 2017, while the notification provided through this requirement is only available in a copy of one specific publication on only one day of the week.

3. Current notification requirements do not require that tenants living in proximity to a proposed project receive mailed notice in all cases, and instructions for multilingual translation services are not required to be included in all cases.
4. Notification requirements for Building Permit Applications subject to Sections 311, 312 and certain permits for work on historic landmark buildings or designated buildings in a Conservation District pursuant to Sections 1005 and 1111 mean that certain relatively minor or routine scopes of work that could otherwise be subject to same-day approval at the Planning Information Center must instead be routed to another planner. Notification requirements for such scopes of work typically delay project approval by three to four months and add to the Department's permit review backlog.

C. Minor Alterations to Historic Buildings

1. Permits that require an Administrative Certificate of Appropriateness or Minor Permit to Alter under Section 1005 and 1111 of the Planning Code cannot currently be approved administratively by Preservation technical specialist at the Planning Information Center, but must be held for 20 days by the Department prior to approval. This requirement adds significantly to the Department's permit review backlog and significantly delays approval for these minor and routine scopes of work.
2. Specifically, the Department estimates that these scopes of work account for roughly one-third of all the Administrative Certificates of Appropriateness and Minor Permits to Alter issued by the Department in a given year. For each of these cases that must be assigned to a planner for review, rather than approved on the same day they are submitted, the project approval is delayed by three to four months on average.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The **recommended modifications include:**

1. Section 315(c) regarding the **review process for 100% affordable housing projects** should be further amended to explicitly require that projects approved administratively through Section 315 must be "consistent with the Urban Design Guidelines and any other applicable design guidelines."

2. The proposed Section 333(e)(1) regarding **posted notice** should be amended to include the following language:

The requirements of this Subsection 333(e)(1) may be modified upon a determination by the Zoning Administrator that a different location for the sign would provide better notice or that physical conditions make this requirement impossible or impractical, in which case the sign shall be posted as directed by the Zoning Administrator.

This language currently appears in Section 306.8 and should be included in Section 333 to allow alternate means of satisfying the poster placement requirements when needed to accommodate exceptional site conditions, as the Code currently provides.

3. The proposed Section 333(e)(1) regarding **posted notice** should be further amended to add language requiring all posters to be placed in a manner that is "visible and legible from the sidewalk or nearest public right-of-way." This would provide further guidance to the Department in determining appropriate poster placement guidelines.
4. The proposed Section 333(e)(2) regarding **mailed notice** should be amended to require minimum dimensions of 5-1/2 x 8-1/2 inches (a standard half-sheet) to ensure that the required contents for mailed notice can be accommodated while still allowing for mailed notice to be provided on a double-sided card.
5. Section 311(2) should be further amended to specify that a **limited rear yard addition as permitted in Section 136** will still require notification if the addition is to an existing structure that has been expanded in the prior 3 years. This modification would minimize the possibility of "serial permitting" via this provision of the Code.
6. The Department also recommends that the Commission adopt a **Planning Commission Policy** to require a Pre-Application meeting between the applicant and adjacent neighbors before an application for the limited rear yard addition can be submitted. This will provide concerned neighbors advance notice of the proposal and the ability to request notification when a building permit is filed. This change does not require any modification to the Ordinance, but language to establish such a policy is included in the Draft Planning Commission Resolution attached to this Summary.

BASIS FOR RECOMMENDATION

The Department is strongly supportive of the proposed Ordinance as it will implement several of the proposed measures contained in the Department's Process Improvements Plan issued in December, 2017. Overall, these amendments would simplify and speed the approval of 100%

affordable housing projects and large residential projects in downtown C-3 districts; significantly reduce the staff time, resources, and project delays that result from current notification requirements, while significantly expanding access to these notification materials; and reduce the Department's permit review backlog and free up associated staff time by allowing for certain minor and routine scopes of work to be subject to same-day approval at the Planning Information Center.

A. Review of 100% Affordable Housing Projects and Large Downtown Projects

1. The proposed amendments to Section 315 would enhance the Department's ability to provide administrative approval for high-priority 100% affordable housing projects by expanding the types of Planning Code exceptions that could be provided for these projects, regardless of location or lot size. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.
2. For projects seeking the 100% Affordable Housing Bonus, the Ordinance would replace the Planning Commission review process required under Section 328 with a specific administrative review process for these projects in the new Section 315.1. This amendment strikes an appropriate balance between the need for expedited review of affordable housing projects and the sensitivity to these larger-than-permitted Bonus Projects by providing an administrative approval path for eligible projects that limits Planning Code exceptions to those specifically created for such bonus projects in Section 206.4. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.
3. For large downtown projects subject to Section 309 review, the Ordinance would remove an additional layer of review for most projects by eliminating the need for a Variance in most cases. The Ordinance would reduce the time and procedural steps needed for Planning Department staff to complete project review, without leading to a significant change in the planning review outcome for such projects, as these Variances from dwelling unit exposure and useable open space requirements are routinely granted to accommodate the construction of high-rise residential developments in C-3 districts.

B. Notification Requirements and Procedures

1. The proposed Ordinance would establish a new Planning Code section 333 that establishes uniform and consistent notification requirements for all Building Permit Applications and

public hearings that require notification. This consolidation will save staff time, reduce the likelihood of errors in implementing notification requirements, and reduce delays in project review and approval. Through concerns were raised about the 20-day notification period for building permit notifications, once existing notification requirements and procedures, along with proposed technology advances and expansion of access to notification materials overall are considered, the Department finds that such a notification period is appropriate and would not diminish the ability of the public to engage in the planning process.

2. The new Section 333 would significantly expand public access to notification materials, while also reducing waste and cost. Specifically, the proposed Ordinance would expand mailed notice requirements to include tenants within the notification area in all cases, apply multilingual translation service requirements to all forms of public notification, and place notification materials and plan sets online for the first time. The new online posting requirement, in particular, will make the required notification materials accessible to the general public for the entire notification period.
3. The proposed Ordinance would amend Section 311 to allow for the limited rear yard addition permitted under Section 136(c)(25) to be approved the same day they are submitted at the Planning Information Counter. This same-day approval would significantly reduce the volume of permits in the review backlog. The Department estimates that allowing these projects alone to be approved "over the counter" would save roughly two full time equivalents (FTE) of staff time that could be spent on review of priority housing projects.

Furthermore, same-day approval for this type of addition is appropriate, considering that the potential impacts to mid-block open spaces and neighboring properties are already mitigated through the bulk and height limitations codified in Section 136(c)(25). Specifically, a one-floor rear addition is limited to 10 feet in height, which is also the maximum height for a permitted lot line fence meaning such additions would not be visible from neighboring properties, and such an addition would be limited to a maximum of 300 gross square feet of floor area for a typical 25-foot wide lot. A two-floor addition would be limited the floor height of the third level of the existing structure and also must be set back by five feet on either side from both interior lot lines, allowing for a maximum addition of 360 gross square feet of floor area for a typical 25-foot wide lot. This permitted envelope is consistent with the standards contained for such additions in the Residential Design Guidelines, thus ensuring consistency with applicable design standards. No rear addition permitted through Section 136(c)(25) would be permitted to expand into the rear 25 percent of the lot or within 15 feet of the rear lot line, whichever is greater, in any case. As for any other Building Permit, permits approved pursuant to this Section will remain appealable to the Board of Appeals.

C. Minor Alterations to Historic Buildings

1. The proposed Ordinance would allow for permits for minor and routine scopes of work that currently require a Certificate of Appropriateness or Permit to Alter under Section 1005 and 1111 of the Planning Code to be approved administratively by Planning Department staff at the Planning Information Center, provided the projects conform to the relevant guidelines and standards as provided for in Planning Code sections 1006.6 and 1111.6.
2. The Department estimates this would reduce the permit review case load for Preservation planners by roughly one-third on an annual basis, allowing staff to focus more time on priority housing projects and other Preservation planning work. In addition, the project approval timeframe for these minor and routine scopes of work would be reduced from three to four months on average to a same-day approval.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

IMPLEMENTATION

As described throughout this report, the Department has determined that the Ordinance would significantly simplify and streamline current implementation procedures, while continuing to provide critical planning, design review, public notification, and permit review functions. These process improvements would allow for more staff time and resources to be allocated to the review and approval of priority housing projects.

ENVIRONMENTAL REVIEW

The proposed Ordinance is not defined as a project under California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received written comments from 19 organizations and individuals about this Ordinance. The majority of the comments were to express opposition to the proposed changes to notification procedures. The primary concerns raised were the shortening of the notification period to 20 days from 30 for building permit application notices, the proposed reduction in size of mailed notice, the transfer of architectural plan sets from the mailed notice to online notice, and the proposal to allow for limited rear yard

additions without notification. No opposition to the other sections of the ordinance regarding approvals of housing projects and minor alterations to historic structures was expressed.

The comments received in support emphasized the importance of the approving the overall ordinance in order to streamline housing production, and two letters received from local architects expressed support specifically for the proposal to allow for limited rear yard additions without notification.

These written comments are attached in Exhibit E below.

RECOMMENDATION:	Recommendation of Approval with Modifications
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Attachments:

- Exhibit A: Draft Planning Commission Resolution for Board File No. 180423
- Exhibit B: Legislative Digest for Proposed Ordinance
- Exhibit C: Proposed Ordinance [Board File No. 180423]
- Exhibit D: Summary Table of Current Notification Requirements
- Exhibit E: Public comment received to date



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE JUNE 7, 2018

Project Name: Mayor's Process Improvements Ordinance
Case Number: 2018-004633PCA, [Board File No. 180423]
Initiated by: Mayor Farrell / Introduced April 24, 2018;
reintroduced May 15, 2018
Staff Contact: Jacob Bintliff, Senior Planner
jacob.bintliff@sfgov.org, 415-575-9170
Reviewed by: Kate Conner, Principal Planner
kate.conner@sfgov.org, 415-575-6914

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RESOLUTION APPROVING A PROPOSED ORDINANCE AMENDING THE PLANNING CODE TO STREAMLINE AFFORDABLE HOUSING PROJECT REVIEW BY ELIMINATING A PLANNING COMMISSION DISCRETIONARY REVIEW HEARING FOR 100% AFFORDABLE HOUSING PROJECTS UPON DELEGATION BY THE PLANNING COMMISSION; TO PROVIDE FOR PLANNING DEPARTMENT REVIEW OF LARGE PROJECTS LOCATED IN C-3 DISTRICTS AND FOR CERTAIN MINOR ALTERATIONS TO HISTORICAL LANDMARKS AND IN CONSERVATION DISTRICTS; TO CONSOLIDATE, STANDARDIZE AND STREAMLINE NOTIFICATION REQUIREMENTS AND PROCEDURES, INCLUDING REQUIRED NEWSPAPER NOTICE, IN RESIDENTIAL, COMMERCIAL, AND MIXED-USE DISTRICTS; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on April 24, 2018 Mayor Farrell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180423, which would amend Sections 206.4, 309, and 315, add new Section 315.1, and delete Section 328 of the Planning Code to streamline review of 100% affordable housing projects and large downtown projects in C-3 districts; amend Sections 202.5, 302, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 311, 317, 329, 330.7, 1006.3, and 1111.4, and delete Section 306.10 and 312, and add new Section 333 of the Planning Code to consolidate and modernize notification requirements and procedures; and amend Sections 1005, 1111.1, and 1111.2 of the Planning Code to streamline review of minor alterations to historical landmarks and in conservation districts; and

WHEREAS, on May 15, 2018 Mayor Farrell re-introduced the proposed Ordinance under the same Board File Number 180423, which would amend Sections 206.4, 309, and 315, add new Section 315.1, and delete Section 328 of the Planning Code to streamline review of 100% affordable housing projects and large

downtown projects in C-3 districts; amend Sections 202.5, 302, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 311, 317, 329, 330.7, 1006.3, and 1111.4, and delete Section 306.10 and 312, and add new Section 333 of the Planning Code to consolidate and modernize notification requirements and procedures; and amend Sections 1005, 1111.1, and 1111.2 of the Planning Code to streamline review of minor alterations to historical landmarks and in conservation districts; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 7, 2018; and

WHEREAS, the proposed Ordinance is not defined as a project under California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Commission hereby **approves with modifications** the Ordinance as described within this resolution.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The proposed amendments to Section 315 of the Planning Code would enhance the Department's ability to provide administrative approval for high-priority 100% affordable housing projects by expanding the types of Planning Code exceptions that could be provided for these projects, regardless of location or lot size. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.

2. The proposed amendments to delete Section 328 and establish a new Section 315.1 of the Planning Code would streamline the review process for 100% Affordable Housing Bonus projects, and strike an appropriate balance between the need for expedited review of affordable housing projects and the sensitivity to these larger-than-permitted Bonus Projects by providing an administrative approval path for eligible projects that limits Planning Code exceptions to those specifically created for such bonus projects in Section 206.4. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.
3. The proposed amendments to Section 309 of the Planning Code would remove an additional layer of review for most large residential projects in the downtown C-3 districts by eliminating the need for a Variance in most cases. The Ordinance would reduce the time and procedural steps needed for Planning Department staff to complete project review, without leading to a significant change in the planning review outcome for such projects, as these Variances from dwelling unit exposure and useable open space requirements are routinely granted to accommodate the construction of high-rise residential developments in C-3 districts.
4. The proposed amendments to consolidate Section 311 and 312 into a single Section 311, establish a new Section 333, and delete or amend, as appropriate, various other Planning Code sections to reference the same, would establish uniform and consistent notification requirements for all Building Permit Applications and public hearings that require notification. This consolidation will save staff time, reduce the likelihood of errors in implementing notification requirements, and reduce delays in project review and approval.
5. The proposed amendments to establish a new Section 333 would significantly expand public access to public notification, while also reducing waste and cost. Specifically, the proposed Ordinance would expand mailed notice requirements to include tenants within the notification area in all cases, apply multilingual translation service requirements to all forms of public notification, and place notification materials and plan sets online for the first time. The new online posting requirement, in particular, will make the required notification materials accessible to the general public for the entire notification period, and serve the purpose and intent of the current newspaper notification requirement to greater effect and at significantly lower cost. The format and content requirements of the new Section 333 would reduce wasted paper and cost that result from current notification requirements.
6. The proposed Ordinance would amend Section 311 to allow for the limited rear yard addition permitted under Section 136(c)(25) to be approved the same day they are submitted at the Planning Information Counter. This same-day approval would significantly reduce the volume of permits in the review backlog. The Department estimates that allowing these projects alone to be approved

“over the counter” would save roughly two full time equivalents (FTE) of staff time that could be spent on review of priority housing projects.

Same-day approval for this type of addition is appropriate, considering that the potential impacts to mid-block open spaces and neighboring properties are already mitigated through the bulk and height limitations codified in Section 136(c)(25). Specifically, a one-floor rear addition is limited to 10 feet in height, which is also the maximum height for a permitted lot line fence meaning such additions would not be visible from neighboring properties, and such an addition would be limited to a maximum of 300 gross square feet of floor area for a typical 25-foot wide lot. A two-floor addition would be limited the floor height of the third level of the existing structure and also must be set back by five feet on either side from both interior lot lines, allowing for a maximum addition of 360 gross square feet of floor area for a typical 25-foot wide lot. This permitted envelope is consistent with the standards contained for such additions in the Residential Design Guidelines, thus ensuring consistency with applicable design standards. No rear addition permitted through Section 136(c)(25) would be permitted to expand into the rear 25 percent of the lot or within 15 feet of the rear lot line, whichever is greater, in any case. As for any other Building Permit, permits approved pursuant to this Section will remain appealable to the Board of Appeals.

7. The proposed amendments to Section 1005 and 1111 to allow for permits for minor and routine scopes of work that currently require an Administrative Certificate of Appropriateness or Minor Permit to Alter under Section 1005 and 1111 of the Planning Code to be eligible for same-day administrative approval by the Planning Department, provided the projects confirm to the relevant guidelines and standards as provided in Planning Code sections 1006.6 and 1111.6 is estimated to reduce the permit review case load for Preservation planners by roughly one-third in any given year, allowing staff to focus more time on priority housing projects and other Preservation planning work. In addition, the project approval timeframe for these minor and routine scopes of work would be reduced from three to four months on average to a same-day approval.
8. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 8

**BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE,
AND MAINTAIN AFFORDABLE HOUSING**

Policy 71

Planning staff shall support affordable housing projects in the development review process, including allowing sponsors of permanently affordable housing to take full advantage of allowable densities provided their projects are consistent with neighborhood character.

The proposed Ordinance would allow Planning staff to support affordable housing projects, including those seeking additional density through the 100% Affordable Housing Bonus Program, through new and enhanced administrative review procedures, provided that projects are in conformity with all applicable design guidelines and standards.

OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH AND TRANSPARENT DECISION-MAKING PROCESS

The proposed Ordinance would allow the Planning Department to implement various streamlining strategies to better implement the Department's planning and review function, especially for new housing and affordable housing developments, while dramatically expanding access to public information regarding projects under review by the Planning Department and public hearings by consolidating and modernizing public notification requirements and procedures.

9. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail. The proposed Ordinance will likely support neighborhood-serving retail establishments when those establishments are located in an historic landmark building or in a designated building in a conservation district by allowing such business to seek administrative same-day approval of minor alterations to install business signage, awnings or automatic door operators. The proposed Ordinance would support neighborhood-serving retail generally by streamlining and modernizing the notification requirements applicable to commercial establishments in Section 312/new Section 311 by reducing the risk of delays due to minor errors in implementing these requirements.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on existing housing or neighborhood character. The proposed amendments to the review process for affordable housing projects and 100% Affordable Housing Bonus projects would maintain all existing requirements related to design standards for such projects, as applicable.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would support the City's ability to increase the supply of affordable housing, by providing new streamlined administrative approval procedures specifically for 100% affordable housing developments.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings. The proposed Ordinance would allow for certain minor alterations to City landmarks and historic structures, as specified, to be approved administratively provided these alterations conform to applicable guidelines of the Planning Code.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

10. **Planning Code Section 302 Findings.** The Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby DELEGATES its authority of Discretionary Review to the Planning Department to review applications for Affordable Housing Projects or 100% Affordable Housing Bonus Program projects, pursuant to the administrative approval

procedures and requirements to be established in Sections 315 or 315.1, respectively, of the Planning Code, provided such procedures and requirements are duly enacted by law; and

BE IT FURTHER RESOLVED that the Commission hereby amends the Commission's Pre-Application Meeting Policy to require a Pre-Application meeting for applications for a limited rear yard addition consistent with the dimensions in Section 136(c)(25), even when notification is not otherwise required.

BE IT FURTHER RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described here:

1. Section 315(c) regarding the **review process for 100% affordable housing projects** should be further amended to explicitly require that projects approved administratively through Section 315 must be "consistent with the Urban Design Guidelines and any other applicable design guidelines."
2. The proposed Section 333(e)(1) regarding **posted notice** should be amended to include the following language:

The requirements of this Subsection 333(e)(1) may be modified upon a determination by the Zoning Administrator that a different location for the sign would provide better notice or that physical conditions make this requirement impossible or impractical, in which case the sign shall be posted as directed by the Zoning Administrator.

3. The proposed Section 333(e)(1) regarding **posted notice** should be further amended to add language requiring all posters to be placed in a manner that is "visible and legible from the sidewalk or nearest public right-of-way."
4. The proposed Section 333(e)(2) regarding **mailed notice** should be amended to require minimum dimensions of 5-1/2 x 8-1/2 inches (a standard half-sheet) to ensure that the required contents for mailed notice can be accommodated while still allowing for mailed notice to be provided on a double-sided card.
5. Section 311(2) should be further amended to specify that a **limited rear yard addition as permitted in Section 136** will still require notification if the addition is to an existing structure that has been expanded in the prior 3 years.
6. The Department also recommends that the Commission adopt a *Planning Commission Policy* to require a Pre-Application meeting between the applicant and adjacent neighbors before an application for the limited rear yard addition can be submitted.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 24, 2018

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

LEGISLATIVE DIGEST

[Planning Code –Review for Downtown and Affordable Housing Projects; Notification Requirements; Review of Alterations to Historical Landmarks and in Conservation Districts.]

Ordinance amending the Planning Code to streamline affordable housing project review by eliminating a Planning Commission Discretionary Review hearing for 100% affordable housing projects upon delegation by the Planning Commission; to provide for Planning Department review of large projects located in C-3 Districts and for certain minor alterations to Historical Landmarks and in Conservation Districts; to consolidate, standardize and streamline notification requirements and procedures, including required newspaper notice, in Residential, Commercial, and Mixed-Use Districts; and affirming the Planning Department’s determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Affordable Housing Projects

Under Planning Code Section 315, affordable housing projects (without a density bonus) are considered principally permitted uses and could seek certain exceptions to Planning Code requirements. Affordable housing projects seeking approval under Section 315 may use exceptions that are permitted based on the size and location of the development lot. The Code does not allow an affordable housing project to seek exceptions from other project authorization types in other zoning districts, or those which apply to other lot types. The Planning Department is authorized to review and approve an affordable housing project, but an individual may request discretionary review of an affordable housing project before the Planning Commission.

100% Affordable Housing Bonus Projects (“Bonus Projects”) are not subject to density limits set by ratio, but are subject only to the constraints on density based on height, bulk, setbacks and other relevant Planning Code provisions. These Bonus Projects are eligible for certain modifications to the Planning Code related to parking, open space, rear yard, dwelling unit exposure, and loading. Bonus Projects are approved through an authorization process, Planning Code Section 328, which provides for a Planning Commission hearing and an appeal to the Board of Supervisors, but Bonus Projects are not required to seek conditional use authorization. The Planning Commission does not hear separate discretionary review requests for Bonus Projects.

Noticing Requirements

The Planning Code contains numerous notice provisions for several different kinds of approvals. Notification requirements for permit review and entitlement hearings vary throughout the Code. There are over 30 noticing processes and criteria based on the location and type of project proposed.

Planning Code Section 311 provides residential permit review procedures for RH, RM, and RTO districts, and Section 312 provides permit review procedures for all NC and Eastern Neighborhoods Mixed Use Districts and for Cannabis Retail and Medical Cannabis Dispensary Uses in all non-residential zoning districts.

Historic buildings

Planning Code Section 1005 identifies four minor scopes of work that are exempt from Article 10 review. Section 1111.1 includes two scopes of work that are considered Minor Alterations under Article 11.

Amendments to Current Law

The legislation provides new procedures in 3 different areas, as follows.

1. Affordable Housing Projects

The proposed amendments add 2 new exceptions to Section 309 that may be requested – exposure requirements set forth in Planning Code Section 140 and usable open space requirements of Section 135. Under proposed Section 315, affordable housing projects may utilize the exceptions of Section 309, as well as other Code sections, regardless of the location of the housing project and lot size requirements. Conditional use authorization for affordable housing projects is not required. Section 315 allows the Planning Department to administratively review and approve an affordable housing project and no discretionary review hearing would occur before the Planning Commission as long as the Planning Commission delegates this review to the Planning Department. The Planning Department approval would be conducted as part of a related building permit application, and any appeal of the Planning Department's determination would be made through the associated building permit, which appeal would be to the Board of Appeals.

For Bonus Projects, Planning Code Section 328 would be deleted and the requirements would be set forth in new Planning Code Section 315.1. Bonus Projects would continue to be eligible to use the same exceptions as previously provided in Planning Code Section 328. The Planning Director rather than the Planning Commission would review Bonus Projects and must make certain findings, and no hearing before the Planning Commission would be required. No discretionary review hearing would occur before the Planning Commission as long as the Planning Commission delegates this review to the Planning Department. The

Planning Department's approval would be conducted as part of a related building permit application, and any appeal of the Planning Department's determination would be through the associated building permit, which appeal would be to the Board of Appeals.

2. General Noticing Requirements

New Planning Code Section 333 sets forth procedures for all public notifications required by the Planning Code, for hearings before the Planning Commission, Historic Preservation Commission and the Zoning Administrator for which public notice is required, and for certain building permit applications. It would provide a Notification Period no fewer than 20 days prior to the date of a hearing, or prior to the date of Planning Department approval of certain building permit applications.

Section 333 sets forth requirements for (1) the contents of notices, (2) posted notices on the site, (3) mailed notice to owners and, when practicable, occupants located within no less than 150 feet of a proposed project application, or as may otherwise be required by State law, as well as to neighborhood organizations and individuals who have made written requests for notice, (4) online notice, and (5) newspaper notice when required by State law. There are also notice requirements for legislative actions.

The Zoning Administrator may waive duplicate notice for applications that are the subject of an otherwise duly noticed public hearing before the Planning Commission or Zoning Administrator, provided that the nature of work for which the application is required is both substantially included in the hearing notice and was the subject of the hearing. The Zoning Administrator may determine the means of delivering all forms of required public notice, provided that the requirements of Section 333 are satisfied.

Section 312 is proposed to be deleted in its entirety, and Section 311 would provide notice and review procedures for building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Districts for a change of use; establishment of a Micro Wireless Telecommunications Services Facility and a Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal of an authorized or unauthorized residential unit.

3. Historic Buildings

Section 1005 would include five additional scopes of work that are not subject to Article 10 review. Section 1111.1 would include three scopes of work that would not require a Permit to Alter under Article 11, including certain signs that comply with the provisions of Section 1111.6. Section 1111.2 also reflects the updated review processes for signs.

Operative Dates.

The Legislation also includes 2 operative dates as follows:

The Amendments contained in Sections 3 and 5 of the ordinance, including revisions to Planning Code Sections 206.4, 309, 315, 1005, 1111.1, and 1111.2; the addition of new Planning Code Section 315.1; and deletion of Planning Code Section 328, would become operative on the Effective Date. The Amendments contained in Section 4 of the ordinance, including amendments to Planning Code Sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 311, 317, 329, 330.7, 1006.3, and 1111.4, deletions of Planning Code Sections 306.10 and 312, and addition of new Planning Code Section 333, would become operative on January 1, 2019.

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[Planning Code –Review for Downtown and Affordable Housing Projects; Notification Requirements; Review of Alterations to Historical Landmarks and in Conservation Districts.]

Ordinance amending the Planning Code to streamline affordable housing project review by eliminating a Planning Commission Discretionary Review hearing for 100% affordable housing projects upon delegation by the Planning Commission; to provide for Planning Department review of large projects located in C-3 Districts and for certain minor alterations to Historical Landmarks and in Conservation Districts; to consolidate, standardize and streamline notification requirements and procedures, including required newspaper notice, in Residential, Commercial, and Mixed-Use Districts; and affirming the Planning Department’s determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____ and the Board incorporates such reasons herein by reference. A copy of said Resolution is on file with the Board of Supervisors in File No. _____.

Section 2. Findings about City Approval and Notification Processes.

(a) The housing crisis in San Francisco is acute with more than 140,000 jobs added since the Great Recession and approximately 27,000 housing units approved. The median single-family home price in San Francisco has reached an all-time high of \$1.6 million in the first quarter of 2018, affordable to only 12 percent of San Francisco households. The average rent for a one bedroom apartment in San Francisco in the same quarter is \$3,281, affordable to less than one-third of San Francisco households.

(b) Mayor Edwin M. Lee's Executive Directive 17-02 -- "Keeping up the Pace of Housing Production" -- called on City departments to reduce project approval timelines by half and come up with process improvement plans and measures to allocate staff and resources to meet these goals.

1 (c) The Planning Department Process Improvements Plan on December 1, 2017
2 recommended a number of internal procedure changes and Planning Code amendments to
3 achieve the goals of Executive Directive 17-02.

4 (d) Ordinance No. 7-16, "Affordable Housing Review Process," established Section
5 315, Affordable Housing Project Authorization, which stipulated that an Affordable Housing
6 Project would be a principally permitted use and would not require conditional use
7 authorization or a Planning Commission hearing.

8 (e) Ordinance No. 46-96 enacted Section 311 of the Planning Code to establish
9 procedures for reviewing building permit applications for lots in "R" districts in order to
10 determine compatibility of the proposal with the neighborhood and for providing notice to
11 property owners and residents neighboring the site of the proposed project.

12 (f) Ordinance No. 46-96 and 279-00 established the importance of notifying property
13 owners as well as tenants of proposed projects within a 150-foot radius of their home or
14 property.

15 (g) Ordinance No. 27-15 established Language Access Requirements for Departments
16 to serve the more than 10,000 Limited English Persons residing in San Francisco encouraging
17 multilingual translation services for public notifications to be as widely available as possible.

18 (h) Newspaper circulation is down and digital media consumption is up. Even among
19 paying subscribers of newspapers, minority populations are more likely to utilize digital media
20 over print media. The official newspaper of the City and County of San Francisco has print
21 delivery of 561,004 on Sundays and 841,924 unique page views of their website.

22 (i) The Planning Department was responsible for reviewing over 11,000 building permit
23 applications and development applications in 2017.

1 (j) Current notification procedures required the production and mailing of over 600,000
2 pieces of paper, or 3 tons, in 2017 alone, at a cost of over \$250,000 with an additional
3 \$70,000 spent annually on newspaper advertisements.

4 (k) The Planning Code currently sets forth more than 30 unique combinations of
5 notification requirements. These varied notification requirements and redundant procedures
6 are confusing, and amount to an inefficient use of staff time and public resources that would
7 be better spent on reviewing permits and projects to add housing stock to San Francisco's
8 housing supply and provide more meaningful public notification.

9
10 Section 3. The Planning Code is hereby amended by revising Sections 206.4, 309, and
11 315; adding new Section 315.1; and deleting Section 328, to read as follows:

12
13 **SEC. 206.4. THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM.**

14 * * * *

15 (c) **Development Bonuses.** A 100 Percent Affordable Housing Bonus Project shall, at
16 the project sponsor's request, receive any or all of the following:

17 (1) **Priority Processing.** 100 Percent Affordable Housing Bonus Projects shall
18 receive Priority Processing.

19 (2) **Form Based Density.** Notwithstanding any zoning designation to the
20 contrary, density of the 100 Percent Affordable Housing Bonus Project shall not be limited by
21 lot area but rather by the applicable requirements and limitations set forth elsewhere in this
22 Code. Such requirements and limitations include, but are not limited to, height, including any
23 additional height allowed by subsection (c) herein, Bulk, Setbacks, Open Space, Exposure
24 and unit mix as well as applicable design guidelines, elements and area plans of the General
25 Plan and design review, including consistency with the Affordable Housing Bonus Program

1 Design Guidelines, referenced in Section ~~328~~ 315.1, as determined by the Planning
2 Department.

3 (3) **Height.** 100 Percent Affordable Housing Bonus Projects shall be allowed
4 up to 30 additional feet, not including allowed exceptions per Section 260(b), above the
5 property's height district limit in order to provide three additional stories of residential use. This
6 additional height may only be used to provide up to three additional 10-foot stories to the
7 project, or one additional story of not more than 10 feet in height.

8 (4) **Ground Floor Ceiling Height.** In addition to the permitted height allowed
9 under subsection (c)(3), 100 Percent Affordable Housing Bonus Projects with active ground
10 floors as defined in Section 145.1(b)(2) shall receive one additional foot of height, up to a
11 maximum of an additional five feet at the ground floor, exclusively to provide a minimum 14-
12 foot (floor to ceiling) ground floor ceiling height.

13 (5) **Zoning Modifications.** 100 Percent Affordable Housing Bonus Projects
14 may select any or all of the following zoning modifications:

15 (A) **Rear Yard:** The required rear yard per Section 134 or any applicable
16 special use district may be reduced to no less than 20% of the lot depth or 15 feet, whichever
17 is greater. Corner properties may provide 20% of the lot area at the interior corner of the
18 property to meet the minimum rear yard requirement, provided that each horizontal dimension
19 of the open area is a minimum of 15 feet; and that the open area is wholly or partially
20 contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent
21 properties.

22 (B) **Dwelling Unit Exposure:** The dwelling unit exposure requirements
23 of Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open
24 area that is no less than 15 feet in every horizontal dimension, and such open area is not
25 required to expand in every horizontal dimension at each subsequent floor.

1 (C) **Off Street Loading:** No off-street loading spaces under Section
2 152.

3 (D) **Automobile Parking:** Up to a 100% reduction in the minimum off-
4 street residential and commercial automobile parking requirement under Article 1.5 of this
5 Code.

6 (E) **Open Space:** Up to a 10% reduction in common open space
7 requirements if required by Section 135, but no less than 36 square feet of open space per
8 unit.

9 (F) **Inner Courts as Open Space:** In order for an inner court to qualify
10 as useable common open space, Section 135(g)(2) requires it to be at least 20 feet in every
11 horizontal dimension, and for the height of the walls and projections above the court on at
12 least three sides (or 75% of the perimeter, whichever is greater) to be no higher than one foot
13 for each foot that such point is horizontally distant from the opposite side of the clear space in
14 the court. 100 Percent Affordable Housing Bonus Projects may instead provide an inner court
15 that is at least 25 feet in every horizontal dimension, with no restriction on the heights of
16 adjacent walls. All area within such an inner court shall qualify as common open space under
17 Section 135.

18 (d) **Implementation.**

19 (1) **Application.** The following procedures shall govern the processing of a
20 request for a project to qualify under the 100 Percent Affordable Housing Bonus Program.

21 (A) An application to participate in the 100 Percent Affordable Housing
22 Bonus Program shall be submitted with the first application for approval of a Housing Project
23 and processed concurrently with all other applications required for the Housing Project. The
24 application shall be submitted on a form prescribed by the City and shall include at least the
25 following information:

1 (i) A full plan set including a site plan, elevations, sections and
2 floor plans, showing the total number of units, unit sizes and planned affordability levels and
3 any applicable funding sources;

4 (ii) The requested development bonuses from those listed in
5 subsection (c);

6 (iii) Unit size and distribution of multi-bedroom units:

7 (iv) Documentation that the applicant has provided written
8 notification to all existing commercial tenants that the applicant intends to develop the
9 property pursuant to this section 206.4. Any affected commercial tenants shall be given
10 priority processing similar to the Department's Community Business Priority Processing
11 Program, as adopted by the Planning Commission on February 12, 2015 under Resolution
12 Number 19323 to support relocation of such business in concert with access to relevant local
13 business support programs. In no case may an applicant receive a site permit or any
14 demolition permit prior to 18 months from the date of written notification required by this
15 subsection 206.4(d)(1)(B); and

16 (v) Documentation that the applicant shall comply with any
17 applicable provisions of the State Relocation Law or Federal Uniform Relocation Act when a
18 parcel includes existing commercial tenants.

19 (2) **Conditions.** Entitlements of 100 Percent Affordable Housing Bonus Projects
20 approved under this Section shall be valid for 10 years from the date of ~~Planning Commission or~~
21 ~~Planning Department~~ approval.

22 ~~(3) **Notice and Hearing.** 100 Percent Affordable Housing Bonus Projects shall comply~~
23 ~~with Section 328 for review and approval.~~

1 (34) **Controls.** Notwithstanding any other provision of this Code, no conditional
2 use authorization shall be required for a 100 Percent Affordable Housing Bonus Project,
3 unless such conditional use requirement was adopted by the voters.
4

5 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

6 The provisions and procedures set forth in this Section shall govern the review of
7 project authorization and building and site permit applications for (1) the construction or
8 substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain
9 requirements of this Code where the provisions of this Section are invoked, and (3) the
10 approval of open space and streetscape requirements of the Planning Code. When any action
11 authorized by this Section is taken, any determination with respect to the proposed project
12 required or authorized pursuant to CEQA may also be considered. This Section shall not
13 require additional review in connection with a site or building permit application if review
14 hereunder was completed with respect to the same proposed structure or alteration in
15 connection with a project authorization application pursuant to Section 322.

16 (a) **Exceptions.** Exceptions to the following provisions of this Code may be granted
17 as provided in the code sections referred to below:

18 (1) Exceptions to the setback, streetwall, tower separation, and rear yard
19 requirements as permitted in Sections 132.1 and 134(d);

20 (2) Exceptions to the ground-level wind current requirements as permitted in
21 Section 148;

22 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in
23 Section 146;

24 (4) Exceptions to the limitation on curb cuts for parking access as permitted in
25 Section 155(r);

1 (5) Exceptions to the limitations on above-grade residential accessory parking
2 as permitted in Section 155(s);

3 (6) Exceptions to the freight loading and service vehicle space requirements as
4 permitted in Section 161(f);

5 (7) Exceptions to the off-street tour bus loading space requirements as
6 permitted in Section 162;

7 (8) Exceptions to the use requirements in the C-3-O (SD) Commercial Special
8 Use Subdistrict in Section 248;

9 (9) Exceptions to the height limits for buildings taller than 550 feet in height in
10 the S-2 Bulk District for allowance of non-occupied architectural, screening, and rooftop
11 elements that meet the criteria of Section 260(b)(1)(M);

12 (10) Exceptions to the volumetric limitations for roof enclosures and screens as
13 prescribed in Section 260(b)(1)(F). For existing buildings, exceptions to the volumetric
14 limitations for roof enclosures and screens shall be granted only if all rooftop equipment that is
15 unused or permanently out of operation is removed from the building;

16 (11) Exceptions to the height limits for vertical extensions as permitted in
17 Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.9;

18 (12) Exceptions to the height limits in the 80-130F and 80-130X Height and
19 Bulk Districts as permitted in Section 263.8 and in the 200-400S Height and Bulk District as
20 permitted in Section 263.10;

21 (13) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

22 (14) Exceptions to the exposure requirements as permitted in Section 140.

23 (15) Exceptions to the usable open space requirements as permitted in Section 135.

24 * * * *

1 (d) **Notice of Proposed Approval** for Projects that do not require Public Hearing. If an
2 application does not require a Planning Commission hearing pursuant to Subsection 309(e)(1) below,
3 the application or building or site permit may be reviewed and approved administratively. At the
4 determination of the Planning Director, applications for especially significant scopes of work may be
5 subject to the notification requirements of Section 333 of this Code. If a request for Planning
6 Commission review is made pursuant to subsection 309(f), the application will be subject to the
7 notification and hearing procedures of this Section. If no request for Commission review is made, the
8 Zoning Administrator may approve the project administratively. If, after a review of the Application or
9 building or site permit, and (1) the Zoning Administrator determines that an application complies with
10 the provisions of this Code and that no exception is sought as provided in Subsection (a), and (2) the
11 Director of Planning determines that no additional modifications are warranted as provided in
12 Subsection (b), and (3) the project meets the open space and streetscape requirements of the Planning
13 Code or (4) the project sponsor agrees to the modifications as requested by the Director, the Zoning
14 Administrator shall provide notice of the proposed approval of the application by mail to all owners of
15 the property immediately adjacent to the property that is subject of the Application no less than 10 days
16 before final approval, and, in addition, to any person who has requested such notice in writing. If no
17 request for Planning Commission review pursuant to Subsection (g) is made within 10 days of such
18 notice, the Zoning Administrator shall approve the application.

19 (e) **Hearing and Determination of Applications for Exceptions.**

20 (1) **Hearing.** The Planning Commission shall hold a public hearing on ~~an~~ a
21 Section 309 application if: for an exception as provided in Subsection (a):

22 (A) The project would result in a net addition of more than 50,000 square feet of
23 gross floor area of space, or

24 (B) The project includes the construction of a new building greater than 75 feet
25 in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an

1 existing building with a height of 75 feet or less resulting in a total building height greater than 75 feet;
2 or

3 (C) The project would require an exception as provided in Subsection 309(a).

4 (2) **Notice of Hearing.** Notice of such hearing shall be conducted pursuant to
5 the provisions of Section 333 of this Code. mailed not less than 10 days prior to the date of the hearing
6 to the project applicant, to property owners within 300 feet of the project that is the subject of the
7 application, using for this purpose the names and addresses as shown on the citywide Assessment Roll
8 in the Assessor's Office, and to any person who has requested such notice. The notice shall state that
9 the written recommendation of the Director of Planning regarding the request for an exception will be
10 available for public review at the office of the Planning Department.

11 (3) **Decision and Appeal.** The Planning Commission may, after public hearing and
12 after making appropriate findings, approve, disapprove or approve subject to conditions, the
13 application for an exception. The decision of the Planning Commission may be appealed to
14 the Board of Appeals by any person aggrieved within 15 days after the date of the decision by
15 filing a written notice of appeal with that Body, setting forth wherein it is alleged that there was
16 an error in the interpretation of the provisions of this Code or abuse of discretion on the part of
17 the Planning Commission.

18 (4) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may,
19 ~~subject to the same limitations as are placed on the Planning Commission by Charter or by this Code,~~
20 approve, disapprove or modify the decision appealed from. If the determination of the Board
21 differs from that of the Commission it shall, in a written decision, specify the error in
22 interpretation or abuse of discretion on the part of the Commission and shall specify in the
23 findings, as part of the written decision, the facts relied upon in arriving at its determination.

24 ~~(f) **Administrative Approval of Design Review.**~~

25 ~~(1) **Recommendations.** If the Director of Planning determines that modifications~~

1 ~~through the imposition of conditions are warranted as provided in Subsection (b), or that the open~~
2 ~~space requirements or the streetscape requirements of the Planning Code have not been complied with,~~
3 ~~the matter shall be scheduled for hearing before the Planning Commission. If the Director determines~~
4 ~~that the open space and streetscape requirements of the Planning Code have been complied with and~~
5 ~~the applicant does not oppose the imposition of conditions which the Director has determined are~~
6 ~~warranted, the applicant may waive the right to a hearing before the Planning Commission in writing~~
7 ~~and agree to the conditions. The Zoning Administrator shall provide notice of the proposed approval of~~
8 ~~the application according to the notice given for applications governed by Subsection (d), so that any~~
9 ~~person seeking additional modifications or objecting to the open space or streetscape requirements~~
10 ~~determination may make such a request for Planning Commission review as provided in Subsection (g).~~
11 ~~If no request is made within 10 days of such notice, the Zoning Administrator shall approve the~~
12 ~~application subject to the conditions.~~

13 ~~—(2) **Notice.** If the proposed application will be heard by the Planning Commission, notice~~
14 ~~of such hearing shall be mailed not less than 10 days prior to the hearing to the project applicant, to~~
15 ~~property owners immediately adjacent to the site of the application using for this purpose the names~~
16 ~~and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person~~
17 ~~who has requested such notice. The notice shall state that the Director's written recommendation will~~
18 ~~be available for public review at the Planning Department.~~

19 ~~—(3) **Commission Action.** The Planning Commission may, after public hearing and after~~
20 ~~making appropriate findings, approve, disapprove or approve subject to conditions applications~~
21 ~~considered pursuant to Subsection (b) or for compliance with the open space and streetscape~~
22 ~~requirements of the Planning Code.~~

23 **(g f) Planning Commission Review Upon Request.**

24 **(1) Requests.** Within 10 days after notice of the proposed Zoning Administrator
25 approval has been given, as provided in Subsection (d), any person may request in writing

1 that the Planning Commission impose additional modifications on the project as provided in
2 Subsection (b) or consider the application for compliance with the open space and
3 streetscape requirements of the Planning Code. The written request shall state why additional
4 modifications should be imposed notwithstanding its compliance with the requirements of this
5 Code and shall identify the policies or objectives that would be promoted by the imposition of
6 conditions, or shall state why the open space and streetscape requirements have not been
7 complied with.

8 (2) **Commission Consideration.** The Planning Commission shall consider at a public
9 hearing each written request for additional modifications and for consideration of the open
10 space and streetscape requirements of the Planning Code compliance and may, by majority
11 vote, direct that a hearing be conducted to consider such modifications or compliance, which
12 hearing may be conducted at the same meeting that the written request is considered and
13 decided. Notice of such hearing shall be ~~mailed to the project applicant, to property owners~~
14 ~~immediately adjacent to the site of the application using for this purpose the names and addresses as~~
15 ~~shown on the Citywide Assessment Roll in the Assessor's Office provided pursuant to the requirements~~
16 ~~of Section 333 of this Code, provided that mailed notice shall also be provided~~ to any person who
17 has requested such notice, and to any person who has submitted a request for additional
18 requirements. In determining whether to conduct such a hearing, the Planning Commission
19 shall determine whether, based upon a review of the project, reasonable grounds exist
20 justifying a public hearing in order to consider the proposed additional modifications and the
21 open space and streetscape requirements of the Planning Code compliance.

22 (3) **Commission Action.** If the Planning Commission determines to conduct a hearing
23 to consider the imposition of additional modifications or the open space and streetscape
24 requirements compliance, it may, after such hearing and after making appropriate findings,
25 approve, disapprove, or approve subject to conditions the building or site permit or project

1 authorization application. If the Planning Commission determines not to conduct a hearing,
2 the Zoning Administrator shall approve the application subject to any conditions imposed by
3 the Director of Planning to which the applicant has consented.

4 ~~(h) **Mandatory Planning Commission Hearing for Projects Over 50,000 Square Feet of**~~
5 ~~**Gross Floor Area or Over 75 Feet in Height.** The Planning Commission shall hold a public hearing~~
6 ~~not otherwise required by this Section on all building and site permit and Section 309 applications for~~
7 ~~projects which will result in a net addition of more than 50,000 square feet of gross floor area of space~~
8 ~~or which will result in a building that is greater than 75 feet in height. Notice of such hearing shall be~~
9 ~~mailed not less than 10 days prior to the date of the hearing to the project applicant, to property~~
10 ~~owners immediately adjacent to the site of the application using for this purpose the names and~~
11 ~~addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who~~
12 ~~has requested such notice.~~

13 * * * *

15 **SEC. 315. AFFORDABLE HOUSING PROJECT AUTHORIZATION.**

16 (a) **Purpose.** The purpose of this Section 315 is to ensure that any project where the
17 principal use is affordable housing, defined in subsection (b) as an Affordable Housing
18 Project, is reviewed in coordination with relevant priority processing and design guidelines.

19 (b) **Applicability.** Notwithstanding anything to the contrary contained in this Planning
20 Code, this Section 315 shall apply to any project where the principal use is housing comprised
21 solely of housing that is restricted for a minimum of 55 years as affordable for "persons and
22 families of low or moderate income," as defined in California Health & Safety Code Section
23 50093 (an "Affordable Housing Project"). The Affordable Housing Project shall be considered
24 a principally permitted use and shall comply with the administrative review procedures set
25 forth in this Section and shall not require conditional use authorization or a Planning

1 Commission hearing that otherwise may be required by the Planning Code, provided that the
2 site is not designated as public open space, is not under the jurisdiction of the Recreation and
3 Park Department, is not located in a zoning district that prohibits residential uses, or is not
4 located in an RH zoning district.

5 (1) If a conditional use authorization or other Planning Commission approval is
6 required for provision of parking, where the amount of parking provided exceeds the base
7 amount permitted as accessory in Planning Code Article 1.5, such requirement shall apply.

8 (2) If an Affordable Housing Project proposes demolition or change in use of a
9 general grocery store or movie theatre, this Section shall not apply.

10 (3) If a non-residential use contained in any proposed project would require
11 conditional use authorization, such requirement shall apply unless the non-residential use is
12 accessory to and supportive of the affordable housing on-site.

13 (c) **Review Process.**

14 (1) In lieu of any otherwise required Planning Commission authorization and
15 associated hearing, the Planning Department shall administratively review and evaluate the
16 physical aspects of an Affordable Housing Project and review such projects in coordination
17 with relevant priority processing and design guidelines. The review of an Affordable Housing
18 Project shall be conducted as part of, and incorporated into, a related building permit application or
19 other required project authorizations, and no additional application fee shall be required. An
20 Affordable Housing Project may seek exceptions to Planning Code requirements that ~~may be~~
21 are available through the Planning Code, ~~including but not limited to sections 253, 303, 304, 309,~~
22 ~~and 329, without a Planning Commission hearing, and the Planning Department may permit such~~
23 ~~exceptions if it makes the findings otherwise required by the Planning Code. This includes, but is not~~
24 limited to, those exceptions permitted through Sections 253, 303, 304, 309, and 329. The Planning
25 Department may grant such exceptions if it makes the findings as required in subsection (c)(2) below.

1 An Affordable Housing Project may seek exceptions from other Code requirements that could otherwise
2 be granted to a Planned Unit Development as set forth in Section 304, irrespective of the zoning district
3 in which the property is located and irrespective of lot size requirements set forth in Section 304, and
4 provided further that conditional use authorization shall not be required.

5 100 Percent Affordable Housing Bonus Projects seeking density bonuses,
6 zoning modifications, or Planning Code exceptions pursuant to Section 206.4 of this Code shall be
7 subject to the provisions and review process pursuant to Section 315.1 of this Code.

8 (2) This administrative review shall be identical in purpose and intent to any
9 Planning Commission review that would otherwise be required by the Planning Code,
10 including but not limited to Sections 253, 303, 304, 309, or 329, but shall not be considered a
11 conditional use authorization. ~~and an Affordable Housing Project may seek the exceptions set forth in~~
12 ~~the Planning Code.~~ If an Affordable Housing Project would otherwise be subject to such
13 Planning Code provisions, the Planning Department shall consider all the criteria set forth in
14 such Planning Code sections and shall make all required findings in writing when it approves,
15 modifies, conditions, or disapproves an Affordable Housing Project. If the project is seeking
16 exceptions solely as provided in this Section 315, the Department shall only make those required
17 findings set forth in Section 303(c) of this Code.

18 (3) **Decision and Imposition of Conditions.** The Planning Department, after
19 making appropriate findings, may approve, disapprove or approve subject to conditions the
20 Affordable Housing Project and any associated requests for exceptions as part of a related
21 building permit application or other required project authorizations. As part of its review and
22 decision, the Planning Department may impose additional conditions, requirements,
23 modifications, and limitations on a proposed Affordable Housing Project in order to achieve
24 the objectives, policies, and intent of the General Plan or the Planning Code. Such ~~approval or~~

1 ~~disapproval~~determination shall be made in writing and mailed to the project sponsor and
2 individuals or organizations who so request.

3 (4) **Change of Conditions.** Once a project is approved, authorization of a
4 change in any condition previously imposed by the Planning Department shall require
5 approval by the Planning Director subject to the procedures set forth in this Section 315.

6 (5) **Discretionary Review.** As long as the Planning Commission has delegated its
7 authority to the Planning Department to review applications for an Affordable Housing Project, the
8 Planning Commission shall not hold a public hearing for discretionary review of an Affordable
9 Housing Project that is subject to this Section 315. ~~This Section 315 is not intended to alter the~~
10 procedures for requests for Discretionary Review by the Planning Commission.

11 (d) **Appeals.** The Planning Department's administrative determination regarding an Affordable
12 Housing Project pursuant to this Section 315 shall be considered part of a related building permit. Any
13 appeal of such determination shall be made through the associated building permit.

15 **SEC. 315.1 100 PERCENT AFFORDABLE HOUSING BONUS PROJECT AUTHORIZATION.**

16 (a) **Purpose.** The purpose of this Section 315.1 is to ensure that all 100 Percent Affordable
17 Housing Bonus projects pursuant to Planning Code Section 206.4 are reviewed in coordination with
18 Priority Processing available for certain projects with 100% affordable housing. While most projects
19 in the 100 Percent Affordable Housing Bonus Program will likely be somewhat larger than their
20 surroundings in order to facilitate higher levels of affordable housing, the Planning Director and
21 Department shall review each project for consistency with the Affordable Housing Bonus Design
22 Guidelines and any other applicable design guidelines, as adopted and periodically amended by the
23 Planning Commission, so that projects respond to their surrounding context, while still meeting the
24 City's affordable housing goals.

1 **(b) Applicability.** This Section 315.1 applies to all 100 Percent Affordable Housing Bonus
2 Projects that meet the requirements described in Section 206.4.

3 **(c) Design Review.** The Planning Department shall review and evaluate all physical aspects of
4 a 100 Percent Affordable Housing Bonus Project as follows.

5 **(1)** The Planning Director may, consistent with the Affordable Housing Bonus Program
6 Design Guidelines and any other applicable design guidelines, make minor modifications to a project
7 to reduce the impacts of a 100 Percent Affordable Housing Bonus Project on surrounding buildings.
8 The Planning Director may also apply the standards of Section 261.1 to bonus floors for all projects on
9 narrow streets and alleys in order to ensure that these streets do not become overshadowed, including
10 potential upper story setbacks, and special consideration for the southern side of East-West streets, and
11 Mid-block passages, as long as such setbacks do not result in a smaller number of residential units.

12 **(2)** As set forth in subsection (d) below, the Planning Director may also grant minor
13 exceptions to the provisions of this Code. However, such exceptions should only be granted to allow
14 building mass to appropriately shift to respond to surrounding context, and only when such
15 modifications do not substantially reduce or increase the overall building envelope permitted by the
16 Program under Section 206.4. All modifications and exceptions should be consistent with the
17 Affordable Housing Bonus Program Design Guidelines and any other applicable design guidelines. In
18 case of a conflict with other applicable design guidelines, the Affordable Housing Bonus Program
19 Design Guidelines shall prevail.

20 **(3)** The Planning Director may require these or other modifications or conditions in
21 order to achieve the objectives and policies of the Affordable Housing Bonus Program or the purposes
22 of this Code. This review shall be limited to design issues including the following:

23 **(A)** whether the bulk and massing of the building is consistent with the
24 Affordable Housing Bonus Design Guidelines.

1 (B) whether building design elements including, but not limited to, architectural
2 treatments, facade design, and building materials, are consistent with the Affordable Housing Bonus
3 Program Design Guidelines and any other applicable design guidelines.

4 (C) whether the design of lower floors, including building setback areas,
5 commercial space, townhouses, entries, utilities, and parking and loading access is consistent with the
6 Affordable Housing Bonus Program Design Guidelines, and any other applicable design guidelines.

7 (D) whether the required streetscape and other public improvements such as
8 tree planting, street furniture, and lighting are consistent with the Better Streets Plan, and any other
9 applicable design guidelines.

10 (d) **Exceptions.** As a component of the review process under this Section 315.1, the Planning
11 Director may grant minor exceptions to the provisions of this Code as provided below, in addition to
12 the development bonuses granted to the project in Section 206.4(c). Such exceptions, however, should
13 only be granted to allow building mass to appropriately shift to respond to surrounding context, and
14 only when the Planning Director finds that such modifications do not substantially reduce or increase
15 the overall building envelope permitted by the Program under Section 206.4, and the project, with the
16 modifications and exceptions, is consistent with the Affordable Housing Bonus Design Guidelines.
17 These exceptions may include:

18 (1) Exception from residential usable open space requirements per Section 135, or any
19 applicable special use district.

20 (2) Exception from satisfaction of loading requirements per Section 152.1, or any
21 applicable special use district.

22 (3) Exception for rear yards, pursuant to the requirements of Section 134, or any
23 applicable special use district.

24 (4) Exception from dwelling unit exposure requirements of Section 140, or any
25 applicable special use district.

1 (5) Exception from satisfaction of accessory parking requirements per Section 152.1,
2 or any applicable special use district.

3 (6) Where not specified elsewhere in this subsection (d), modification of other Code
4 requirements that could otherwise be modified as a Planned Unit Development (as set forth in Section
5 304), irrespective of the zoning district in which the property is located, and without requiring
6 conditional use authorization.

7 (e) **Required Findings.** In reviewing any project pursuant to this Section 315.1, the Planning
8 Director shall make the following findings:

9 (1) the use complies with the applicable provisions of this Code and is consistent with
10 the General Plan;

11 (2) the use provides development that is in conformity with the stated purpose of the
12 applicable Use District; and,

13 (3) the use contributes to the City's affordable housing goals as stated in the General
14 Plan.

15 (4) If a 100 Percent Affordable Housing Bonus Project otherwise would require a
16 conditional use authorization due only to (1) a specific land use or (2) a use size limit, the Planning
17 Director shall make all findings and consider all criteria required by this Code for such use or use size
18 as part of this 100 Percent Affordable Housing Bonus Project Authorization and no conditional use
19 authorization shall be required.

20 (f) **Decision and Imposition of Conditions.** The Planning Director may authorize, disapprove
21 or approve subject to conditions, the project and any associated requests for exceptions and shall make
22 appropriate findings. The Director may impose additional conditions, requirements, modifications, and
23 limitations on a proposed project in order to achieve the objectives, policies, and intent of the General
24 Plan or of this Code. This administrative review shall be identical in purpose and intent to any
25 Planning Commission review that would otherwise be required by Section 206.4 of the Planning Code.

1 (g) **Discretionary Review.** As long as the Planning Commission has delegated its authority to
2 the Planning Department to review applications for an Affordable Housing Project, the Planning
3 Commission shall not hold a public hearing for discretionary review of a 100 Percent Affordable
4 Housing Bonus project that is subject to this Section.

5 (h) **Appeals.** The Planning Director's administrative determination regarding a 100 Percent
6 Affordable Housing Bonus Project pursuant to this Section 315.1 shall be considered part of a related
7 building permit. Any appeal of such determination shall be made through the associated building
8 permit.

9
10 **~~SEC. 328. 100 PERCENT AFFORDABLE HOUSING BONUS PROJECT AUTHORIZATION.~~**

11 ~~—(a) **Purpose.** The purpose of this Section 328 is to ensure that all 100 Percent Affordable~~
12 ~~Housing Bonus projects under Section 206.4 are reviewed in coordination with priority processing~~
13 ~~available for certain projects with 100 Percent affordable housing. While most projects in the 100~~
14 ~~Percent Affordable Housing Bonus Program will likely be somewhat larger than their surroundings in~~
15 ~~order to facilitate higher levels of affordable housing, the Planning Commission and Department shall~~
16 ~~ensure that each project is consistent with the Affordable Housing Bonus Design Guidelines and any~~
17 ~~other applicable design guidelines, as adopted and periodically amended by the Planning Commission,~~
18 ~~so that projects respond to their surrounding context, while still meeting the City's affordable housing~~
19 ~~goals.~~

20 ~~—(b) **Applicability.** This Section 328 applies to all qualifying 100 Percent Affordable Housing~~
21 ~~Bonus Projects that meet the requirements described in Section 206.4.~~

22 ~~—(c) **Planning Commission Design Review.** The Planning Commission shall review and~~
23 ~~evaluate all physical aspects of a 100 Percent Affordable Housing Bonus Project at a public hearing.~~
24 ~~The Planning Commission recognizes that most qualifying projects will need to be larger in height and~~
25 ~~mass than surrounding buildings in order to achieve the 100% Affordable Housing Bonus Program's~~

1 ~~affordable housing goals. However, the Planning Commission may, consistent with the Affordable~~
2 ~~Housing Bonus Program Design Guidelines, and any other applicable design guidelines, and upon~~
3 ~~recommendation from the Planning Director, make minor modifications to a project to reduce the~~
4 ~~impacts of such differences in scale. The Planning Commission, upon recommendation of the Planning~~
5 ~~Director, may also apply the standards of Section 261.1 to bonus floors for all projects on narrow~~
6 ~~streets and alleys in order to ensure that these streets do not become overshadowed, including potential~~
7 ~~upper story setbacks, and special consideration for the southern side of East-West streets, and Mid-~~
8 ~~block passages, as long as such setbacks do not result in a smaller number of residential units.~~

9 ~~—Additionally, as set forth in subsection (d) below, the Planning Commission may grant~~
10 ~~minor exceptions to the provisions of this Code. However, such exceptions should only be granted to~~
11 ~~allow building mass to appropriately shift to respond to surrounding context, and only when such~~
12 ~~modifications do not substantially reduce or increase the overall building envelope permitted by the~~
13 ~~Program under Section 206.4. All modifications and exceptions should be consistent with the~~
14 ~~Affordable Housing Bonus Program Design Guidelines and any other applicable design guidelines. In~~
15 ~~case of a conflict with other applicable design guidelines, the Affordable Housing Bonus Program~~
16 ~~Design Guidelines shall prevail.~~

17 ~~—The Planning Commission may require these or other modifications or conditions, or~~
18 ~~disapprove a project, in order to achieve the objectives and policies of the Affordable Housing Bonus~~
19 ~~Programs or the purposes of this Code. This review shall limited to design issues including the~~
20 ~~following:~~

21 ~~—(1) whether the bulk and massing of the building is consistent with the Affordable Housing~~
22 ~~Bonus Design Guidelines.~~

23 ~~—(2) whether building design elements including, but not limited to architectural treatments,~~
24 ~~facade design, and building materials, are consistent with the Affordable Housing Bonus Program~~
25 ~~Design Guidelines and any other applicable design guidelines.~~

1 ~~—(3) whether the design of lower floors, including building setback areas, commercial~~
2 ~~space, townhouses, entries, utilities, and parking and loading access is consistent with the Affordable~~
3 ~~Housing Bonus Program Design Guidelines, and any other applicable design guidelines.~~

4 ~~—(4) whether the required streetscape and other public improvements such as tree planting,~~
5 ~~street furniture, and lighting are consistent with the Better Streets Plan, and any other applicable~~
6 ~~design guidelines.~~

7 ~~—(d) **Exceptions.** As a component of the review process under this Section 328, the Planning~~
8 ~~Commission may grant minor exceptions to the provisions of this Code as provided for below, in~~
9 ~~addition to the development bonuses granted to the project in Section 206.4(c). Such exceptions,~~
10 ~~however, should only be granted to allow building mass to appropriately shift to respond to~~
11 ~~surrounding context, and only when the Planning Commission finds that such modifications do not~~
12 ~~substantially reduce or increase the overall building envelope permitted by the Program under Section~~
13 ~~206.4, and also are consistent with the Affordable Housing Bonus Design Guidelines. These exceptions~~
14 ~~may include:~~

15 ~~—(1) Exception from residential usable open space requirements per Section 135, or any~~
16 ~~applicable special use district.~~

17 ~~—(2) Exception from satisfaction of loading requirements per Section 152.1, or any~~
18 ~~applicable special use district.~~

19 ~~—(3) Exception for rear yards, pursuant to the requirements of Section 134, or any~~
20 ~~applicable special use district.~~

21 ~~—(4) Exception from dwelling unit exposure requirements of Section 140, or any applicable~~
22 ~~special use district.~~

23 ~~—(5) Exception from satisfaction of accessory parking requirements per Section 152.1, or~~
24 ~~any applicable special use district.~~

1 ~~—(6) Where not specified elsewhere in this subsection (d), modification of other Code~~
2 ~~requirements that could otherwise be modified as a Planned Unit Development (as set forth in Section~~
3 ~~304), irrespective of the zoning district in which the property is located.~~

4 ~~—(e) **Required Findings.** In its review of any project pursuant to this Section 328, the~~
5 ~~Planning Commission shall make the following findings:~~

6 ~~—(1) the use as proposed will comply with the applicable provisions of this Code and is~~
7 ~~consistent with the General Plan;~~

8 ~~—(2) the use as proposed will provide development that is in conformity with the stated~~
9 ~~purpose of the applicable Use District; and,~~

10 ~~—(3) the use as proposed will contribute to the City's affordable housing goals as stated in~~
11 ~~the General Plan.~~

12 ~~—(f) If a 100 Percent Affordable Housing Bonus Project otherwise requires a conditional use~~
13 ~~authorization due only to (1) a specific land use, (2) use size limit, or (3) requirement adopted by the~~
14 ~~voters, then the Planning Commission shall make all findings and consider all criteria required by this~~
15 ~~Code for such use or use size as part of this 100 Percent Affordable Housing Bonus Project~~
16 ~~Authorization.~~

17 ~~—(g) **Hearing and Decision.**~~

18 ~~—(1) **Hearing.** The Planning Commission shall hold a public hearing for all projects that are~~
19 ~~subject to this Section 328.~~

20 ~~—(2) **Notice of Hearing.** Notice of such hearing shall be provided pursuant to the same~~
21 ~~requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8.~~

22 ~~—(3) **Director's Recommendations on Modifications and Exceptions.** At the hearing, the~~
23 ~~Planning Director shall review for the Commission key issues related to the project based on the~~
24 ~~review of the project pursuant to subsection (c) and recommend to the Commission modifications, if~~
25

1 ~~any, to the project and conditions for approval as necessary. The Director shall also make~~
2 ~~recommendations to the Commission on any proposed exceptions pursuant to subsection (d).~~

3 ~~— (4) Decision and Imposition of Conditions. The Commission, after public hearing and,~~
4 ~~after making appropriate findings, may approve, disapprove or approve subject to conditions, the~~
5 ~~project and any associated requests for exceptions. As part of its review and decision, the Planning~~
6 ~~Commission may impose additional conditions, requirements, modifications, and limitations on a~~
7 ~~proposed project in order to achieve the objectives, policies, and intent of the General Plan or of this~~
8 ~~Code.~~

9 ~~— (5) Appeal. The decision of the Planning Commission may be appealed to the Board of~~
10 ~~Supervisors by any person aggrieved within 30 days after the date of the decision by filing a written~~
11 ~~notice of appeal with the Board of Supervisors, setting forth wherein it is alleged that there was an~~
12 ~~error in the interpretation of the provisions of this Section or abuse of discretion on the part of the~~
13 ~~Planning Commission. The procedures and requirements for conditional use appeals in Section~~
14 ~~308.1(b) and (c) shall apply to appeals to the Board of Supervisors under this Section 328.~~

15 ~~— (6) Discretionary Review. No requests for discretionary review shall be accepted by the~~
16 ~~Planning Department or heard by the Planning Commission for projects subject to this Section.~~

17 ~~— (7) Change of Conditions. Once a project is approved, authorization of a change in any~~
18 ~~condition previously imposed by the Planning Commission shall require approval by the Planning~~
19 ~~Commission subject to the procedures set forth in this Section.~~

20
21 Section 4. The Planning Code is hereby amended by revising Sections 202.5, 302,
22 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 311, 317, 329, 330.7, 1006.3, and 1111.4;
23 deleting Sections 306.10 and 312; and adding new Section 333 to read as follows:
24
25

1 **SEC 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.**

2 * * * *

3 **(e) Criteria for Zoning Administrator Conversion Determination.** The Zoning
4 Administrator shall approve the application and authorize the service station conversion if the
5 Zoning Administrator determines from the facts presented that the owner of the subject
6 property is not earning a Fair Return on Investment, as defined in Section 102. The owner
7 shall bear the burden of proving that the owner is not earning a Fair Return on Investment.

8 (1) **Application.** A property owner's application under this Section shall be
9 signed by the owner or an authorized representative of the owner and, under penalty of
10 perjury, declared to contain true and correct information. The application shall be
11 accompanied by:

12 (A) An independent appraisal of the property stating its value;

13 (B) A written statement from an independent Certified Public Accountant
14 summarizing the applicant's financial records, including the property appraisal and stating the
15 return on investment calculated pursuant to Section 102;

16 (C) A certified statement from the Certified Public Accountant identifying
17 the owner of the property and the owner of the service station business;

18 (D) Such other financial information as the Zoning Administrator may
19 reasonably determine is necessary to make the determination provided for in this Section.

20 (2) **Rebuttable Presumption.** There shall be a rebuttable presumption that the
21 property owner is earning a Fair Return on Investment if the property owner has earned at
22 least a nine percent return on the property owner's total investment in the property for the 24-
23 month period immediately preceding the filing of the application, or in the case of a service
24 station business that ceased operations after October 12, 1989, for the 24-month period
25 immediately preceding the date the service station ceased operations. The property owner

1 may rebut this presumption by offering evidence demonstrating that because of special facts
2 regarding his or her property the property owner is not earning a Fair Return on Investment or
3 that because of special demonstrated circumstances the applicant would not earn a fair return
4 on investment from service station use during that 12-month period after the filing of the
5 service station conversion application.

6 (3) **Notice of Hearing.** Prior to conducting the hearing required by Subsection
7 (c)(1), the Zoning Administrator shall provide ~~written notice~~ public notification of the hearing
8 pursuant to the requirements of Section 333 of this Code. ~~to each property owner within 300 feet in~~
9 ~~every direction from the service station, as shown in the last equalized assessment roll, such notice to~~
10 ~~be mailed at least 10 days before the hearing. The applicant also shall provide posted notice in a~~
11 ~~visible location on the service station site at least 20 days before the hearing.~~

12 (4) **Determination.** The Zoning Administrator shall render written determination
13 within 60 days of the hearing.

14 (5) **Consultation With Other City Departments.** If necessary, the Zoning
15 Administrator shall have the authority to consult with or retain the assistance of the staffs of
16 the Department of Public Works, Real Estate Department, and Mayor's Office of Workforce
17 and Economic Development in the review of applications for service station conversion.

18 * * * *

20 **SEC. 302. PLANNING CODE AMENDMENTS.**

21 (a) **General.** Whenever the public necessity, convenience and general welfare
22 require, the Board of Supervisors may, by ordinance, amend any part of this Code. Such
23 amendments may include reclassifications of property (changes in the Zoning Map), changes
24 in the text of the Code, or establishment, abolition or modification of a setback line. The
25

1 procedures for amendments to the Planning Code shall be as specified in this Section and in
2 Sections 306 through 306.6, *and in Section 333*.

3 * * * *

4 (d) **Referral of Proposed Text Amendments to the Planning Code Back to**
5 **Planning Commission.** In acting upon any proposed amendment to the text of the Code, the
6 Board of Supervisors may modify said amendment but shall not take final action upon any
7 material modification that has not been approved or disapproved by the Planning
8 Commission. Should the Board adopt a motion proposing to modify the amendment while it is
9 before said Board, said amendment and the motion proposing modification shall be referred
10 back to the Planning Commission for its consideration. In all such cases of referral back, the
11 amendment and the proposed modification shall be heard by the Planning Commission
12 according to the requirements for a new proposal, except that ~~newspaper~~ online notice required
13 under Section ~~306.3333~~ need be given only 10 days prior to the date of the hearing. The
14 motion proposing modification shall refer to, and incorporate by reference, a proposed
15 amendment approved by the City Attorney as to form.

16
17 **SEC. 303. CONDITIONAL USES.**

18 * * * *

19 (f) **Conditional Use Abatement.** The Planning Commission may consider the
20 possible revocation of a Conditional Use or the possible modification of or placement of
21 additional conditions on a Conditional Use when the Planning Commission determines, based
22 upon substantial evidence, that the applicant for the Conditional Use had submitted false or
23 misleading information in the application process that could have reasonably had a substantial
24 effect upon the decision of the Commission or the Conditional Use is not in compliance with a
25 Condition of Approval, is in violation of law if the violation is within the subject matter

jurisdiction of the Planning Commission, or operates in such a manner as to create hazardous, noxious, or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject Conditional Use operator.

(1) **Public Hearing.** The Director of Planning or the Planning Commission may schedule a public hearing on Conditional Use abatement when the Director or Commission has obtained or received (A) substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the Conditional Use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or (B) substantial evidence, submitted or received at any time while the Conditional Use authorization is effective, of a violation of conditions of approval, a violation of law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

(2) **Notification.** The notice for the public hearing on a Conditional Use abatement shall be subject to the notification procedure described in Section ~~s 306.3 and 306.8~~ 333 of this Code. ~~,except that notice to the property owner and the operator of the subject establishment or use shall be mailed by regular and certified mail.~~

* * * *

SEC 303.1 FORMULA RETAIL USES.

* * * *

(g) **Neighborhood Notification and Design Review.** Any application for a Formula Retail use as defined in this section shall be subject to the notification and review procedures

1 of ~~subsections 312(d) and (e)~~ Section 333 of this Code. ~~A Conditional Use hearing on an application~~
2 ~~for a Formula Retail use may not be held less than 30 calendar days after the date of mailed notice.~~

3 * * * *

4 **SEC. 305.1 REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL USES.**

5 * * * *

6 (e) **All Other Requests for Reasonable Modification – Zoning Administrator** 7 **Review and Approval.**

8 (1) **Standard Variance Procedure – With Hearing.** Requests for reasonable
9 modifications that do not fall within Subsection (d) shall be considered by the Zoning
10 Administrator, who will make the final decision through the existing variance process
11 described in Section 305.

12 (2) **Public Notice of a Request for Reasonable Modification.** Notice for
13 reasonable modifications that fall with subsection (e)(1) are subject to the notice requirements
14 of Section ~~306~~ 333 of this Code. If the request for reasonable modification is part of a larger
15 application, then the noticing can be combined.

16 * * * *

17 18 **SEC 306.3. NOTICE OF HEARINGS.**

19 (a) Except as indicated in subsection (b) below, notice of the time, place and purpose
20 of the hearing on action for an amendment to the Planning Code or General Plan, Conditional
21 Use or a Variance shall be given by the Zoning Administrator pursuant to the requirements of
22 Section 333 of this Code.~~as follows:~~

23 ~~_____ (1) By mail to the applicant or other person or agency initiating the action;~~

24 ~~_____ (2) By mail, except in the case of proposed amendments to change the text of the Code,~~
25 ~~not less than 20 days prior to the date of the hearing to the owners of all real property within the area~~

1 ~~that is the subject of the action and within 300 feet of all exterior boundaries of such area, using for~~
2 ~~this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in~~
3 ~~the Office of the Tax Collector. Failure to send notice by mail to any such property owner where the~~
4 ~~address of such owner is not shown on such assessment roll shall not invalidate any proceedings in~~
5 ~~connection with such action;~~

6 ~~_____ (3) By publication, except in Variance cases, at least once in a newspaper of general~~
7 ~~circulation in the City not less than 20 days prior to the date of the hearing;~~

8 ~~_____ (4) Such other notice as the Zoning Administrator shall deem appropriate.~~

9 (b) In the case of Variance applications involving a less than 10% deviation as
10 described in Section 305(c), the Zoning Administrator need give only such notice as the
11 Zoning Administrator deems appropriate in cases in which a hearing is actually held.

12 ~~(2) In the case of amendments to reclassify land on the basis of general zoning studies~~
13 ~~for one or more zoning districts, which studies either are citywide in scope or cover a major subarea of~~
14 ~~the City, as determined by the Planning Commission, and where the total area of land so proposed for~~
15 ~~reclassification, excluding the area of public streets and alleys, is 30 acres or more, the notice given~~
16 ~~shall be as described in Subsection (a) above, except that:~~

17 ~~_____ (A) The newspaper notice shall be published as an advertisement in all editions of such~~
18 ~~newspaper, and need contain only the time and place of the hearing and a description of the general~~
19 ~~nature of the proposed amendment together with a map of the area proposed for reclassification.~~

20 ~~_____ (B) The notice by mail need contain only the time and place of the hearing and a~~
21 ~~general description of the boundaries of the area proposed for reclassification.~~

22 ~~_____ (3) In the case of amending the General Plan, notice shall be given by an~~
23 ~~advertisement at least once in a newspaper of general circulation in the City not less than 20 days prior~~
24 ~~to the hearing. The advertisement shall contain the time and place of the hearing and a description of~~
25 ~~the general nature of the proposed amendment and, if applicable, a map of the affected area.~~

~~(c) In addition to any other information required by the Planning Department, the Zoning Administrator and the Planning Commission, any notice required by this Section of an application for a Conditional Use or Variance which proposes a Commercial Use for the subject property shall disclose the name under which business will be, or is expected to be, conducted at the subject property, as disclosed in the permit application pursuant to Section 306.1(c), if the business name is known at the time notice is given. If the business name becomes known to the applicant during the notice period, the applicant promptly shall amend the notice to disclose such business name and the Department shall disseminate all the various required hearing notices again with the disclosed name and allow the prescribed time between the date of the notice and the date of the hearing.~~

SEC 306.7. INTERIM ZONING CONTROLS.

* * * *

(g) **Notice.** Notice of the time and place of a public hearing on interim zoning controls before the Planning Commission if the Planning Commission initiates the controls, or before the Board of Supervisors or a committee of the Board if a member of the Board initiates the controls, shall be provided pursuant to the requirements of Section 333 of this Code, and such other notice as the Clerk of the Board or the Zoning Administrator may deem appropriate. ~~as follows:~~

~~(1) By publication at least once in an official newspaper of general circulation in the City not less than nine days prior to the date of hearing;~~

~~(2) By posting at the office of the Board of Supervisors and the Planning Department nine days prior to the date of hearing; and~~

~~(3) By mail to the applicant or other person or agency initiating the proposed interim control;~~
~~and~~

~~(4) By mail, if the area is 30 acres or less, exclusive of streets, alleys, and other public property, sent at least 10 days prior to the date of the hearing, to the owners of real property within the area that~~

~~is the subject of the proposed interim zoning controls and within 300 feet of the exterior boundaries of that area when the controls would reclassify land or establish, abolish or modify a setback line, using for this purpose the names and addresses of the owners shown on the latest citywide assessment roll in the Assessor's office. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with the position of interim zoning controls;~~

~~(5) Such other notice as the Clerk of the Board or the Zoning Administrator may deem appropriate.~~

Notice of a public hearing by the Board of Supervisors or a committee of the Board for the ratification or disapproval of interim controls imposed by the Planning Commission shall be given pursuant to ~~Subsections (1), (2), (3) and (5) of the requirements of~~ this Subsection.

~~Notices posted or published pursuant to the provisions of this ordinance shall contain a description of the general nature of the proposed interim zoning controls, and a description of the boundaries of the affected area if the controls would not be applicable citywide, and the time and place of the hearing.~~ The body imposing the interim zoning controls may not enlarge the area affected by the proposed amendment or modify the proposed amendment in a manner that places greater restrictions on the use of property unless notice is first provided in accordance with the provisions of this Subsection and a hearing is provided on the modifications. Notice may be provided pursuant to the provisions of this Subsection (g) prior to the completion of the environmental review process.

* * * *

SEC. 306.8. POSTING OF SIGNS REQUIRED.

(a) **Hearings for Which Notice Required.** In addition to the requirements for notice provided elsewhere in this Code, the requirements for notice set forth in this Section shall

1 apply to hearings before the Planning Commission or the Zoning Administrator (1) on an
2 application for a conditional use or variance, (2) for every amendment to reclassify property
3 initiated by application as permitted in Section 302(b) where the area sought to be reclassified
4 is ½ acre or less (exclusive of streets, alleys and other public property) and where the
5 applicant owns all or a portion of the property to be reclassified or is a resident or commercial
6 lessee thereof, (3) for any permit application or project authorization application reviewed
7 pursuant to Sections 309 or 322, and (4) for any application for a building or site permit
8 authorizing a new building the consideration or approval of which is scheduled before the
9 Planning Commission. This Section shall not apply to variance applications involving a less
10 than 10 percent deviation as described in Section 305(c) or to hearings or actions relating to
11 environmental review.

12 (b) **Signposting Requirements.** *Hearings that are required to be noticed pursuant to this*
13 *section 306.8 shall provide notice pursuant to the requirements of section 333 of this Code. ~~At least 20~~*
14 *~~days prior to a hearing governed by this section (other than a hearing on a reclassification, which shall~~*
15 *~~not be subject to this subsection), the applicant shall post a sign on the property that is the subject of~~*
16 *~~the application through the date of the hearing; provided, however, that if the date of the hearing is~~*
17 *~~continued four weeks or more, the sign need not remain posted and the applicant will thereafter be~~*
18 *~~subject only to such posting requirements as directed by the Zoning Administrator; and, provided~~*
19 *~~further, that signs for applications described in Subsection (a)(4) need only be posted at least 10 days~~*
20 *~~prior to the hearing, subject to the provisions regarding continued hearings set forth herein. The sign~~*
21 *~~shall meet the following requirements:~~*

22 *~~(1) It shall be posted inside of windows which are no more than six feet back from the property~~*
23 *~~line, where the windows are of sufficient size to accommodate the sign. The bottom of the sign shall be~~*
24 *~~no lower than four feet above grade and the top of the sign shall be no higher than eight feet six inches~~*
25

1 above grade. The sign shall not be obstructed by awnings, landscaping, or other impediment and shall
2 be clearly visible from a public street, alley or sidewalk.

3 (2) In the absence of windows meeting the above criteria, where the building facade is no more
4 than nine feet back from the property line, the sign shall be affixed to the building, with the bottom of
5 the sign being at least five feet above grade and the top of the sign being no more than seven feet six
6 inches above grade. The sign shall be protected from the weather as necessary. The sign shall not be
7 obstructed by awnings, landscaping, or other impediment, and shall be clearly visible from a public
8 street, alley or sidewalk.

9 (3) Where the structure is more than nine feet from the property line, the sign shall be posted
10 at the property line with the top of the sign no more than six feet and no less than five feet above grade.
11 Such signs shall be attached to standards and shall be protected from the weather as necessary.

12 The requirements of Subsections (1) through (3) of this subsection may be modified upon a
13 determination by the Zoning Administrator that a different location for the sign would provide better
14 notice or that physical conditions make this requirement impossible or impractical, in which case the
15 sign shall be posted as directed by the Zoning Administrator.

16 (c) Contents and Size of Signs. The sign shall be at least 30 inches by 30 inches, unless the
17 application relates to a vacant site or vacant building, in which case the Zoning Administrator may
18 require a sign up to eight feet wide and four feet high upon a determination that the larger sign will
19 provide better public notice. The sign shall be entitled NOTICE OF ZONING HEARING. The lettering
20 shall be at least 1¼ inch capital letters for the title. All other letters shall be at least ¾ inch uppercase
21 and ½ inch lower case. The sign shall provide notice of the case number, the time, date, location and
22 purpose of the public hearing, a description of the proposed project, and the procedure for obtaining
23 additional information.

24 Every person subject to the requirements of this Section shall obtain from the Planning
25 Department the sign on submission of application which is to be posted, and shall provide such

1 ~~additional information on the sign as required by this Section and any written directions provided by~~
2 ~~the Zoning Administrator; provided, however, that where the Zoning Administrator requires a sign~~
3 ~~larger than 30 by 30 inches, the applicant shall provide the sign. The Department shall charge a fee to~~
4 ~~applicants in an amount determined appropriate to cover the cost of providing the sign.~~

5 ~~When the application is for a planned unit development, the sign shall contain a plot plan of the~~
6 ~~property containing the following information:~~

7 ~~(i) The names of all immediately adjacent streets or alleys;~~

8 ~~(ii) A building footprint of the proposed project (new construction cross hatched) outlined in~~
9 ~~bold lines so as to clearly identify the location in relation to the property lines;~~

10 ~~(iii) An arrow indicating north.~~

11 ~~(d)~~ **Notice of Reclassification by Zoning Administrator.** The Zoning Administrator
12 shall post signs providing notice of proposed reclassifications that are subject to this section
13 ~~pursuant to the requirements of section 333 of this Code. at least 10 days prior to the hearing. The~~
14 ~~signs shall be posted in the area of the proposed reclassification and within 300 feet of such area. The~~
15 ~~signs shall identify the applicant and the current and proposed zoning classification and shall contain a~~
16 ~~map with the proposed reclassification area outlined in bold lines so as to clearly identify its~~
17 ~~boundaries and with the names of all streets or alleys immediately adjacent to the proposed~~
18 ~~reclassification area identified. The signs so posted shall be at least 8½ by 10½ inches. Compliance~~
19 ~~with this subsection shall be met if at least one notice is posted in proximity to each street intersection~~
20 ~~in the area that is the subject of the proposed reclassification and within 300 feet of such area. The~~
21 ~~Zoning Administrator shall determine the cost to the City in providing the notice required by this~~
22 ~~subsection and shall notify the applicant upon making that determination. The notice required by this~~
23 ~~subsection shall be provided by the Zoning Administrator only upon payment of such costs by the~~
24 ~~applicant.~~

1 (*ed*) **Declaration Required; Failure to Comply.** The applicant, other than an
2 applicant for a reclassification, shall submit at the time of the hearing a declaration signed
3 under penalty of perjury stating that the applicant has complied with the provisions of this
4 Section. If any person challenges the applicant's compliance with this Section, the
5 Commission or, as to variance hearings the Zoning Administrator, shall determine whether the
6 applicant has substantially complied and, if not, shall continue the hearing for that purpose. A
7 challenge may be raised regarding compliance with the provisions of this Section by any
8 person after the hearing by filing a written statement with the Zoning Administrator, or such
9 challenge may be raised by the Zoning Administrator, but no challenge may be filed or raised
10 later than 30 days following Commission action, or as to variance hearings 10 days following
11 the decision. If no challenge is filed within the time required, it shall be deemed conclusive
12 that the applicant complied with the provisions of this Section. If it is determined, after a
13 hearing for which at least five days' notice has been given to the person filing the challenge
14 and the applicant, that the applicant has not substantially complied with the provisions of this
15 Section, the action of the Planning Commission or the Zoning Administrator shall be deemed
16 invalid and the matter shall be rescheduled for hearing after the required notice has been
17 given. Notwithstanding any other provision of this Section, an application may be denied if
18 continuance or delay of action on the application would result in an application being deemed
19 approved pursuant to Government Code Sections 65920 *et seq.*

20 (*ef*) **Permission to Enter Property.** Every person who has possession of property
21 which is the subject of an application subject to this Section shall permit entry at a reasonable
22 time to an applicant who is seeking entry in order to allow the posting of the sign required
23 herein and no such person shall remove or cause the removal of such sign during the period
24 of time that posing is required herein and without reasonable cause to believe that such
25 removal is necessary in order to protect persons or property from injury.

1 (f §) **Rights Affected.** The requirements of this Section are not intended to give any
2 right to any person to challenge in any administrative or judicial proceeding any action if such
3 person would not otherwise have the legal right to do so.

4
5 **SEC. 306.9. NOTICE OF APPLICATIONS FOR BUILDING PERMITS FOR SUTRO TOWER.**

6 * * * *

7 (c) **Notification.** Upon determination that an application is in compliance with the
8 requirements of the Planning Code, the Planning Department shall provide public notification
9 pursuant to the requirements of section 333 of this Code, except that no posted notice shall be required,
10 and that the mailed notice shall be mailed to all owners and, to the extent practicable, occupants of
11 properties within a 1,000 foot radius of the property line of the Sutro Tower site. ~~cause a written notice~~
12 of the proposed project to be sent in the manner described below. This notice shall be in addition to
13 any notices required by the Building Code and in addition to other requirements for notice
14 provided elsewhere in this Code.

15 ~~The notice shall have a format and content determined by the Zoning Administrator. At a~~
16 ~~minimum, it shall describe the proposed project and the project review process, and shall set forth the~~
17 ~~mailing date of the notice.~~

18 ~~Written notice shall be sent to all property owners and to each residential unit within a 1,000~~
19 ~~foot radius of the property line of the Sutro Tower site. The latest city-wide Assessor's roll for names~~
20 ~~and addresses of owners shall be used for said notice. Notice shall also be sent to any neighborhood~~
21 ~~organization on record with the Department as requesting notice of building permits for Sutro Tower.~~

22
23 ~~**SEC. 306.10. MULTIPLE LANGUAGE REQUIREMENT FOR NOTICES.**~~

24 ~~(a) **Applicability.** In addition to the notice requirements set forth elsewhere in this~~

1 ~~Code, the requirements of this section shall apply to the mailed notices that are required by the~~
2 ~~following sections of the Planning Code: Sections 202.5(e)(3), 304.5(d), 306.3, 306.7(g), 306.9(e),~~
3 ~~309(e) through 309(h), 311, 312, 313.4(b), 314.4(a), 330.7, and any other section of the Planning Code~~
4 ~~that requires a notice to be mailed or personally served to property owners or occupants adjacent to or~~
5 ~~near a property for which Planning Department development approval is sought.~~

6 ~~(b) **Definitions.** The following definitions shall apply for the purposes of this section:~~

7 ~~—— (1) **Dedicated Telephone Number** means a telephone number for a recorded message in a~~
8 ~~Language of Limited English Proficient Residents. The recorded message shall advise callers as to~~
9 ~~what information they should leave on the message machine so that the Department may return the call~~
10 ~~with information about the notice in the requested language.~~

11 ~~—— (2) **Language of Limited English Proficient Residents** means each of the two languages other~~
12 ~~than English spoken most commonly by San Francisco residents of limited English proficiency as~~
13 ~~determined by the Planning Department based on its annual review of United States census and other~~
14 ~~data as required by San Francisco Administrative Code Section 91.2(j).~~

15 ~~(c) **Multiple Language Statement in Notices.** The Planning Department shall~~
16 ~~prepare a cover sheet as specified below and include it with each notice of the type listed in subsection~~
17 ~~(a). The cover sheet shall contain the following statement, printed in each Language of Limited English~~
18 ~~Proficient Residents and, to the extent available Department resources allow, such other languages~~
19 ~~that the Department determines desirable, with the name of the language in which the statement is~~
20 ~~made, the time period for a decision on the matter and the Dedicated Telephone Number for the~~
21 ~~language of the statement inserted in the appropriate blank spaces:~~

22 ~~—— "The attached notice is provided under the Planning Code. It concerns property located at the~~
23 ~~address shown on the attached notice. A hearing may occur, a right to request review may expire or a~~
24 ~~development approval may become final unless appealed within [insert days until a hearing or~~
25 ~~deadline for requesting review or appealing decision]. To obtain information about this notice in~~

1 ~~*[insert name of language], please call [insert Dedicated Telephone Number]. Please be advised that*~~
2 ~~*the Planning Department will require at least one business day to respond to any call. Provision of*~~
3 ~~*information in [insert name of language] is provided as a service by the Planning Department and does*~~
4 ~~*not grant any additional rights or extend any time limits provided by applicable law."*~~

5 ~~*—The Department shall maintain a Dedicated Telephone Number for each Language of Limited*~~
6 ~~*English Proficient Residents. The Department shall place a return telephone call by the end of the*~~
7 ~~*following business day to each person who leaves a message concerning a neighborhood notice at a*~~
8 ~~*Dedicated Telephone Number, and when the caller is reached, provide information to the caller about*~~
9 ~~*the notice in the language spoken by the caller.*~~

10
11 **SEC. 311. ~~RESIDENTIAL~~ PERMIT REVIEW PROCEDURES ~~FOR RH, RM, AND RTO~~**
12 **~~DISTRICTS.~~**

13 (a) **Purpose.** The purpose of this Section is to establish procedures for reviewing
14 building permit applications ~~for lots in R Districts in order to~~ determine compatibility of the
15 proposal with the neighborhood and for providing notice to property owners and residents on
16 the site and neighboring the site of the proposed project and to interested neighborhood
17 organizations, so that concerns about a project may be identified and resolved during the
18 review of the permit.

19 (b) **Applicability.** Except as indicated herein, all building permit applications in
20 Residential, NC, NCT, and Eastern Neighborhoods Districts ~~for a change of use; establishment of a~~
21 Micro Wireless Telecommunications Services Facility; establishment of a Formula Retail Use;
22 demolition, and/or new construction, and/or alteration of residential buildings; and including the
23 removal of an authorized or unauthorized residential unit, in RH, RM, and RTO Districts shall be
24 subject to the notification and review procedures required by this Section 311. Subsection 311(e)
25 ~~regarding demolition permits and approval of replacement structures shall apply to all R Districts. In~~

1 addition, all building permit applications that would establish Cannabis Retail or Medical Cannabis
2 Dispensary Uses, regardless of zoning district, shall be subject to the review procedures required by
3 this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change
4 of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review
5 requirements of this Section 311.

6 (I) **Change of Use.** For the purposes of this Section 311, a change of use is defined as
7 follows:

8 (A) **Residential, NC and NCT Districts.** For all Residential, NC, and NCT
9 Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as
10 defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail, Group Housing, Liquor
11 Store, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary
12 Educational Institution, Private Community Facility, Public Community Facility, Religious Institution,
13 School, Tobacco Paraphernalia Establishment, and Wireless Telecommunications Facility.

14 (B) **Eastern Neighborhood Districts.** In all Eastern Neighborhood Districts a
15 change of use shall be defined as a change in, or addition of, a new land use category. A “land use
16 category” shall mean those categories used to organize the individual land uses that appear in the use
17 tables, immediately preceding a group of individual land uses, including but not limited to the
18 following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly, Recreation, Arts
19 and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle
20 Parking Use; Industrial Use; Home and Business Service Use; or Other Use.

21 (2+) **Alterations.** For the purposes of this Section, an alteration ~~in RH and RM~~
22 ~~Districts~~ shall be defined as an increase to the exterior dimensions of a building except those features
23 listed in Section 136(c)(1) through 136(c)(26) in districts where those sections apply. ~~any change in~~
24 ~~use.~~ In addition, an alteration in RH, RM, and RTO Districts shall also include the removal of more
25 than 75 percent of a residential building's existing interior wall framing or the removal of more

1 than 75 percent of the area of the existing framing, ~~or an increase to the exterior dimensions of a~~
2 ~~residential building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26).~~
3 ~~Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child~~
4 ~~Care Facility, as defined in Section 102, shall not be subject to the notification requirements of this~~
5 ~~Section 311.~~

6 (2) ~~For the purposes of this Section, an alteration in RTO Districts shall be defined as a~~
7 ~~change of use described in Section 312(e), removal of more than 75 percent of a building's existing~~
8 ~~interior wall framing or the removal of more than 75 percent of the area of the existing framing, or an~~
9 ~~increase to the exterior dimensions of a building except those features listed in Section 136(c)(1)~~
10 ~~through 136(c)(24) and 136(c)(26). Notwithstanding the foregoing or any other requirement of this~~
11 ~~Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to~~
12 ~~the notification requirements of this Section 311.~~

13 (3) Micro Wireless Telecommunications Services Facilities. Building permit
14 applications for the establishment of a Micro Wireless Telecommunications Services Facility, other
15 than a Temporary Wireless Telecommunications Services Facility, shall be subject to the review
16 procedures required by this Section. Pursuant to Section 205.2, applications for Temporary Wireless
17 Telecommunications Facilities to be operated for commercial purposes for more than 90 days shall
18 also be subject to the review procedures required by this Section.

19 (c) **Building Permit Application Review for Compliance ~~and Notification~~.** Upon
20 acceptance of any application subject to this Section, the Planning Department shall review
21 the proposed project for compliance with the Planning Code and any applicable design
22 guidelines approved by the Planning Commission. Applications determined not to be in
23 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential
24 Design Guidelines, including design guidelines for specific areas adopted by the Planning
25 Commission, or with any applicable conditions of previous approvals regarding the project,

1 shall be held until either the application is determined to be in compliance, is disapproved or a
2 recommendation for cancellation is sent to the Department of Building Inspection.

3 (1) **Residential Design Guidelines.** The construction of new residential
4 buildings and alteration of existing residential buildings in R Districts shall be consistent with
5 the design policies and guidelines of the General Plan and with the "Residential Design
6 Guidelines" as adopted and periodically amended for specific areas or conditions by the
7 Planning Commission. The design for new buildings with residential uses in RTO Districts
8 shall also be consistent with the design standards and guidelines of the "Ground Floor
9 Residential Units Design Guidelines" as adopted and periodically amended by the Planning
10 Commission. The Planning Director may require modifications to the exterior of a proposed
11 new residential building or proposed alteration of an existing residential building in order to
12 bring it into conformity with the "Residential Design Guidelines" and with the General Plan.
13 These modifications may include, but are not limited to, changes in siting, building envelope,
14 scale texture and detailing, openings, and landscaping.

15 (2) **Removal of Residential Units.** *When removal or elimination of an authorized or*
16 *unauthorized residential unit is proposed, the Applicant shall provide notice as required in Section 333*
17 *of this Code. The Zoning Administrator shall determine any additional notification procedures to be*
18 *applied in such a case.*

19 (3) **Replacement Structure Required.** *Unless the building is determined to pose a*
20 *serious and imminent hazard as defined in the Building Code, an application authorizing demolition in*
21 *any R District of an historic or architecturally important building or of a dwelling shall not be*
22 *approved and issued until the City has granted final approval of a building permit for construction of*
23 *the replacement building. A building permit is finally approved if the Board of Appeals has taken final*
24 *action for approval on an appeal of the issuance or denial of the permit or if the permit has been issued*
25 *and the time for filing an appeal with the Board has lapsed with no appeal filed.*

1 (A) The demolition of any building, including but not limited to historically and
2 architecturally important buildings, may be approved administratively when the Director of the
3 Department of Building Inspection, the Chief of the Bureau of Fire Prevention and Investigation, or the
4 Director of Public Works determines, after consultation with the Zoning Administrator, that an
5 imminent safety hazard exists, and the Director of the Department of Building Inspection determines
6 that demolition or extensive alteration of the structure is the only feasible means to secure the public
7 safety.

8 **(2d) Notification.** Upon determination that an application is in compliance with the
9 development standards of the Planning Code, the Planning Department shall provide ~~cause a~~
10 ~~notice of the proposed project pursuant to the requirements of Section 333 of this Code. to be posted~~
11 ~~on the site pursuant to rules established by the Zoning Administrator and shall cause a written notice~~
12 ~~describing the proposed project to be sent in the manner described below. This notice shall be in~~
13 ~~addition to any notices required by the Building Code and shall have a format and content determined~~
14 ~~by the Zoning Administrator. It shall include a description of the proposal compared to any existing~~
15 ~~improvements on the site with dimensions of the basic features, elevations and site plan of the proposed~~
16 ~~project including the position of any adjacent buildings, exterior dimensions and finishes, and a~~
17 ~~graphic reference scale. The notice shall describe the project review process and shall set forth the~~
18 ~~mailing date of the notice and the expiration date of the notification period.~~

19 ~~Written notice shall be mailed to the notification group which shall include the project sponsor,~~
20 ~~tenants of the subject property, relevant neighborhood organizations as described in~~
21 ~~Subparagraph [311](#)(c)(2)(C) below, all individuals having made a written request for notification for a~~
22 ~~specific parcel or parcels pursuant to Planning Code Section [351](#) and all owners and, to the extent~~
23 ~~practical, occupants, of properties in the notification area. For the purposes of Section [311](#)(g) below,~~
24 ~~written notice shall also be mailed to tenants of the subject property in authorized residential units.~~

1 ~~——(A) The notification area shall be all properties within 150 feet of the subject lot in the same~~
2 ~~Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot,~~
3 ~~the notification area shall further include all property on both block faces across from the subject lot,~~
4 ~~and the corner property diagonally across the street.~~

5 ~~——(B) The latest City-wide Assessor's roll for names and addresses of owners shall be used for said~~
6 ~~notice.~~

7 ~~——(C) The Planning Department shall maintain a list, available for public review, of neighborhood~~
8 ~~organizations which have indicated an interest in specific properties or areas. The organizations~~
9 ~~having indicated an interest in the subject lot or its area shall be included in the notification group for~~
10 ~~the proposed project.~~

11 ~~——(3) **Notification Period.** All building permit applications shall be held for a period of 30 calendar~~
12 ~~days from the date of the mailed notice to allow review by residents and owners of neighboring~~
13 ~~properties and by neighborhood groups.~~

14 ~~——(4) **Elimination of Duplicate Notice.** The notice provisions of this Section may be waived by the~~
15 ~~Zoning Administrator for building permit applications for projects that have been, or before approval~~
16 ~~will be, the subject of a duly noticed public hearing before the Planning Commission or Zoning~~
17 ~~Administrator, provided that the nature of work for which the building permit application is required is~~
18 ~~both substantially included in the hearing notice and is the subject of the hearing.~~

19 ~~——(5) **Notification Package.** The notification package for a project subject to notice under this~~
20 ~~Section 311 shall include a written notice and reduced-size drawings of the project.~~

21 ~~——(A) The written notice shall compare the proposed project to the existing conditions at the~~
22 ~~development lot. Change to basic features of the project that are quantifiable shall be disclosed on the~~
23 ~~written notice. The basic features of existing and proposed conditions shall include, where applicable,~~
24 ~~front setback, building depth, rear yard depth side setbacks, building height, number of stories,~~
25 ~~dwelling unit count and use of the building.~~

1 ~~——(B) The written notice shall describe whether the project is a demolition, new construction or~~
2 ~~alteration project. If the project is an alteration, the type of alteration shall be described: horizontal,~~
3 ~~vertical or both horizontal and vertical additions and where the alteration is located.~~

4 ~~——(C) Written project description shall be part of the notice. In addition, the notice shall describe~~
5 ~~the project review process, information on how to obtain additional information and the contact~~
6 ~~information of the Planning Department.~~

7 ~~——(D) The building permit application number(s) shall be disclosed in the written notice. The start~~
8 ~~and expiration dates of the notice shall be stated. A description about the recipient's rights to request~~
9 ~~additional information, to request Discretionary Review by the Planning Commission and to appeal to~~
10 ~~other boards or commissions shall be provided.~~

11 ~~——(E) 11x17 sized or equivalent drawings to scale shall be included with the Section 311 written~~
12 ~~notice. The drawings shall illustrate the existing and proposed conditions in relationship to the~~
13 ~~adjacent properties. All dimensions and text throughout the drawings shall be legible. The drawings~~
14 ~~shall include a site plan, floor plans and elevations documenting dimensional changes that correspond~~
15 ~~to the basic features included in the written notice.~~

16 ~~——(F) The existing and proposed site plan shall illustrate the project including the full lots and~~
17 ~~structures of the directly adjacent properties.~~

18 ~~——(G) The existing and proposed floor plans shall illustrate the location and removal of interior~~
19 ~~and exterior walls. The use of each room shall be labeled. Significant dimensions shall be provided to~~
20 ~~document the change proposed by the project.~~

21 ~~——(H) The existing and proposed elevations shall document the change in building volume: height~~
22 ~~and depth. Dimensional changes shall be documented, including overall building height and also~~
23 ~~parapets, penthouses and other proposed vertical and horizontal building extensions. The front and~~
24 ~~rear elevations shall include the full profiles of the adjacent structures including the adjacent~~
25 ~~structures' doors, windows and general massing. Each side elevation shall include the full profile of the~~

1 ~~adjacent building in the foreground of the project, and the adjacent windows, lightwells and general~~
2 ~~massing shall be illustrated.~~

3 ~~(de)~~ **Requests for Planning Commission Review.** A request for the Planning
4 Commission to exercise its discretionary review powers over a specific building permit
5 application shall be considered by the Planning Commission if received by the Planning
6 Department no later than 5:00 p.m. of the last day of the notification period as described
7 under Section 333 Subsection (e)(3) above, subject to guidelines adopted by the Planning
8 Commission. The project sponsor of a building permit application may request discretionary
9 review by the Planning Commission to resolve conflicts between the Director of Planning and
10 the project sponsor concerning requested modifications to comply with the Residential Design
11 Guidelines, or other applicable design guidelines.

12 (1) **Scheduling of Hearing.** The Zoning Administrator shall set a time for
13 hearing requests for discretionary review by the Planning Commission within a reasonable
14 period.

15 (2) **Notice.** Mailed notice of the discretionary review hearing by the Planning
16 Commission shall be given pursuant to the requirements of Section 333 of this Code. ~~not less than 10~~
17 ~~days prior to the date of the hearing to the notification group as described in Paragraph 311(e)(2)~~
18 ~~above. Posted notice of the hearing shall be made as provided under Planning Code Section 306.8.~~

19 ~~—(e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless the~~
20 ~~building is determined to pose a serious and imminent hazard as defined in the Building Code an~~
21 ~~application authorizing demolition in any R-District of an historic or architecturally important building~~
22 ~~or of a dwelling shall not be approved and issued until the City has granted final approval of a building~~
23 ~~permit for construction of the replacement building. A building permit is finally approved if the Board~~
24 ~~of Appeals has taken final action for approval on an appeal of the issuance or denial of the permit or if~~

1 ~~the permit has been issued and the time for filing an appeal with the Board has lapsed with no appeal~~
2 ~~filed.~~

3 ~~—(1) The demolition of any building whether or not historically and architecturally~~
4 ~~important may be approved administratively where the Director of the Department of Building~~
5 ~~Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after~~
6 ~~consultation with the Zoning Administrator, that an imminent safety hazard exists, and the Director of~~
7 ~~the Department of Building Inspection determines that demolition or extensive alteration of the~~
8 ~~structure is the only feasible means to secure the public safety.~~

9 ~~—(f) **Micro Wireless Telecommunications Services Facilities, Notification and Review**~~
10 ~~**Required.** Building permit applications for new construction of a Micro Wireless Telecommunications~~
11 ~~Services Facility, other than a Temporary Wireless Telecommunications Services Facility,~~
12 ~~under Article 2 of the Planning Code in RH and RM Districts shall be subject to the notification and~~
13 ~~review procedures required by this Section. Pursuant to Section 205.2, applications for building~~
14 ~~permits in excess of 90 days for Temporary Wireless Telecommunications Facilities to be operated for~~
15 ~~commercial purposes in RH, RM, and RTO Districts shall also be subject to the notification and review~~
16 ~~procedures required by this Section.~~

17 ~~—(g) **Removal of Residential Units.** When removal or elimination of a residential unit is~~
18 ~~proposed, the Applicant shall provide notice to occupants of the subject property by complying with the~~
19 ~~following notification procedures.~~

20 ~~—(1) The Applicant shall provide a list of all existing residential units in the subject property~~
21 ~~to the Zoning Administrator, including those units that may be unauthorized residential units.~~

22 ~~—(2) The Applicant shall post a notice of the application at least 30 inches by 30 inches in a~~
23 ~~conspicuous common area of the subject property, with the content as described in Subsections~~
24 ~~(c)(5)(A)-(D) above, and including the phone numbers of the agencies to contact regarding building~~
25 ~~permit issuance and appeal. The sign shall also indicate the appropriate City agency or resource to~~

1 ~~contact for assistance in securing tenant counseling or legal services that can provide assistance to~~
2 ~~tenants with understanding and participating in the City's processes. The sign shall be posted no later~~
3 ~~than the start date of the notice required under Subsection (ed)(53) and shall remain posted until the~~
4 ~~conclusion of any hearings on the permit before the Planning Commission, the Zoning Administrator,~~
5 ~~the Board of Supervisors or the Board of Appeals. Such notice shall also include contact information~~
6 ~~for translation services into Spanish, Chinese, and Russian.~~

7 ~~—(3) The Planning Department shall cause notice to be mailed to all residential units in the~~
8 ~~building, including any unauthorized residential units.~~

9 ~~—(4) If an application proposes the kind of work set forth in Section 311(b) above, the~~
10 ~~Applicant shall comply with the notification requirements set forth in Section 311(ed) above, in~~
11 ~~addition to the on-site notification requirements set forth in this Section 311(g), but this Section 311(g)~~
12 ~~shall not require compliance with such notification requirements if they are otherwise not required.~~

13
14 **~~SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN~~**
15 **~~NEIGHBORHOODS MIXED USE DISTRICTS AND FOR CANNABIS RETAIL AND MEDICAL~~**
16 **~~CANNABIS DISPENSARY USES IN ALL NON-RESIDENTIAL ZONING DISTRICTS.~~**

17
18 ~~—(a) **Purpose.** The purpose of this Section is to establish procedures for reviewing building permit~~
19 ~~applications for lots in NC and Eastern Neighborhoods Mixed Use Districts and for proposed~~
20 ~~Cannabis Retail and Medical Cannabis Dispensary Uses in C, PDR, M, and Mixed Use Districts, in~~
21 ~~order to determine compatibility of the proposal with the neighborhood and for providing notice to~~
22 ~~property owners, occupants and residents on the site and neighboring the site of the proposed project~~
23 ~~and to interested neighborhood organizations, so that concerns about a project may be identified and~~
24 ~~resolved during the review of the permit.~~

1 ~~—(b) **Applicability.** Except as indicated herein, all building permit applications for demolition, new~~
2 ~~construction, the removal of an authorized or unauthorized Dwelling Unit, changes in use to a Formula~~
3 ~~Retail use as defined in Section 303.1 of this Code, alterations that expand the exterior dimensions of a~~
4 ~~building, and all building permit applications for proposed Cannabis Retail or Medical Cannabis~~
5 ~~Dispensary Uses shall be subject to the notification and review procedures required by subsection~~
6 ~~312(d). Subsection 312(f) regarding demolition permits and approval of replacement structures shall~~
7 ~~apply to all NC and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section,~~
8 ~~addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26)~~
9 ~~shall not be subject to notification under this Section.~~

10 ~~—(c) **Changes of Use.**~~

11 ~~—(1) **NC Districts.** In NC Districts, all building permit applications for a change of use to, or the~~
12 ~~establishment of, the following uses shall be subject to the provisions of subsection 312(d) except as~~
13 ~~stated below:~~

14 ~~—— **Adult Business**~~

15 ~~—— **Bar**~~

16 ~~—— **Cannabis Retail**~~

17 ~~—— **General Entertainment**~~

18 ~~—— **Group Housing**~~

19 ~~—— **Limited Restaurant**~~

20 ~~—— **Liquor Store**~~

21 ~~—— **Massage Establishment**~~

22 ~~—— **Medical Cannabis Dispensary**~~

23 ~~—— **Nighttime Entertainment**~~

24 ~~—— **Outdoor Activity Area**~~

25 ~~—— **Post-Secondary Educational Institution**~~

1 ~~——Private Community Facility~~

2 ~~——Public Community Facility~~

3 ~~——Religious Institution~~

4 ~~——Residential Care Facility~~

5 ~~——Restaurant~~

6 ~~——School~~

7 ~~——Tobacco Paraphernalia Establishment~~

8 ~~——Trade School~~

9 ~~——However, a change of use from a Restaurant to a Limited Restaurant shall not be subject to the~~
10 ~~provisions of subsection 312(d). In addition, any accessory massage use in the Ocean Avenue~~
11 ~~Neighborhood Commercial Transit District shall be subject to the provisions of subsection 312(d).~~

12 ~~——(2) Eastern Neighborhoods Districts. In all Eastern Neighborhoods Mixed Use Districts all~~
13 ~~building permit applications for a change of use from any one land use category to another land use~~
14 ~~category, including but not limited to applications for a change of use to or for the establishment of a~~
15 ~~new Cannabis Retail or Medical Cannabis Dispensary Use shall be subject to the provisions of~~
16 ~~subsection 312(d). For the purposes of this subsection (c), “land use category” shall mean those~~
17 ~~categories used to organize the individual land uses which appear in the use tables in Article 8,~~
18 ~~immediately preceding a group of individual land uses, including but not limited to the following:~~
19 ~~Residential Use; Institutional Use; Retail Sales and Service Use; Assembly, Recreation, Arts and~~
20 ~~Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking~~
21 ~~Use; Industrial Use; Home and Business Service Use; or Other Use.~~

22 ~~——(3) C, PDR, M, and Mixed Use Districts. In C, PDR, M, and Mixed Use Districts, all building~~
23 ~~permit applications for a change of use to or the establishment of a Cannabis Retail or Medical~~
24 ~~Cannabis Dispensary Use shall be subject to the provisions of subsection 312(d).~~

1 ~~—(d) **Building Permit Application Review for Compliance and Notification.** Upon acceptance of any~~
2 ~~application subject to this Section, the Planning Department shall review the proposed project for~~
3 ~~compliance with the Planning Code and any applicable design guidelines approved by the Planning~~
4 ~~Commission. Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2~~
5 ~~and 2.5 of the Planning Code, including design guidelines for specific areas adopted by the Planning~~
6 ~~Commission, or with any applicable conditions of previous approvals regarding the project, shall be~~
7 ~~held until either the application is determined to be in compliance, is disapproved or a~~
8 ~~recommendation for cancellation is sent to the Department of Building Inspection.~~

9 ~~—(1) **Neighborhood Commercial Design Guidelines.** The construction of new buildings and~~
10 ~~alteration of existing buildings in NC Districts shall be consistent with the design policies and~~
11 ~~guidelines of the General Plan as adopted and periodically amended for specific areas or conditions by~~
12 ~~the Planning Commission. The Director of Planning may require modifications to the exterior of a~~
13 ~~proposed new building or proposed alteration of an existing building in order to bring it into~~
14 ~~conformity with the General Plan. These modifications may include, but are not limited to, changes in~~
15 ~~siting, building envelope, scale texture and detailing, openings, and landscaping.~~

16 ~~—(2) **Notification.** Upon determination that an application is in compliance with the development~~
17 ~~standards of the Planning Code, the Planning Department shall cause a notice to be posted on the site~~
18 ~~pursuant to rules established by the Zoning Administrator and shall cause a written notice describing~~
19 ~~the proposed project to be sent in the manner described below. This notice shall be in addition to any~~
20 ~~notices required by the Building Code and shall have a format and content determined by the Zoning~~
21 ~~Administrator. It shall include a description of the proposal compared to any existing improvements on~~
22 ~~the site with dimensions of the basic features, elevations and site plan of the proposed project including~~
23 ~~the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference scale,~~
24 ~~existing and proposed uses and commercial or institutional business name, if known. The notice shall~~
25

1 ~~describe the project review process and shall set forth the mailing date of the notice and the expiration~~
2 ~~date of the notification period.~~

3 ~~——Written notice shall be mailed to the notification group which shall include the project sponsor,~~
4 ~~tenants of the subject property, relevant neighborhood organizations as described in Subparagraph~~
5 ~~312(d)(2)(C) below, all individuals having made a written request for notification for a specific parcel~~
6 ~~or parcels and all owners and, to the extent practical, occupants, of properties in the notification area.~~
7 ~~For the purposes of Section 312(h) below, written notice shall also be mailed to tenants of the subject~~
8 ~~property in unauthorized residential units.~~

9 ~~——(A) The notification area shall be all properties within 150 feet of the subject lot in the same~~
10 ~~Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot,~~
11 ~~the notification area shall further include all property on both block faces across from the subject lot,~~
12 ~~and the corner property diagonally across the street.~~

13 ~~——(B) The latest City-wide Assessor's roll for names and addresses of owners shall be used for said~~
14 ~~notice.~~

15 ~~——(C) The Planning Department shall maintain a list, updated every six months with current~~
16 ~~contact information, available for public review, and kept at the Planning Department's Planning~~
17 ~~Information Counter, and reception desk, as well as the Department of Building Inspection's Building~~
18 ~~Permit Counter, of neighborhood organizations which have indicated an interest in specific properties~~
19 ~~or areas. The organizations having indicated an interest in the subject lot or its area shall be included~~
20 ~~in the notification group for the proposed project. Notice to these groups shall be verified by a~~
21 ~~declaration of mailing signed under penalty of perjury. In the event that such an organization is not~~
22 ~~included in the notification group for a proposed project as required under this subsection, the~~
23 ~~proposed project must be re-noticed.~~

1 ~~—(3) **Notification Period.** All building permit applications shall be held for a period of 30 calendar~~
2 ~~days from the date of the mailed notice to allow review by residents, occupants, owners of neighboring~~
3 ~~properties and by neighborhood groups.~~

4 ~~—(4) **Elimination of Duplicate Notice.** The notice provisions of this Section may be waived by the~~
5 ~~Zoning Administrator for building permit applications for projects that have been, or before approval~~
6 ~~will be, the subject of a duly noticed public hearing before the Planning Commission or Zoning~~
7 ~~Administrator, provided that the nature of work for which the building permit application is required is~~
8 ~~both substantially included in the hearing notice and is the subject of the hearing.~~

9 ~~—(e) **Requests for Planning Commission Review.** A request for the Planning Commission to exercise~~
10 ~~its discretionary review powers over a specific building permit application shall be considered by the~~
11 ~~Planning Commission if received by the Planning Department no later than 5:00 p.m. of the last day of~~
12 ~~the notification period as described under Subsection (d)(3) above, subject to guidelines adopted by the~~
13 ~~Planning Commission.~~

14 ~~—The project sponsor of a building permit application may request discretionary review by the~~
15 ~~Planning Commission to resolve conflicts between the Director of Planning and the project sponsor~~
16 ~~concerning requested modifications to comply with relevant design guidelines of the General Plan.~~

17 ~~—(1) **Scheduling of Hearing.** The Zoning Administrator shall set a time for hearing requests for~~
18 ~~discretionary review by the Planning Commission within a reasonable period.~~

19 ~~—(2) **Notice.** Mailed notice of the discretionary review hearing by the Planning Commission shall be~~
20 ~~given not less than 10 days prior to the date of the hearing to the notification group as described in~~
21 ~~Paragraph 312(d)(2) above. Posted notice of the hearing shall be made as provided under Planning~~
22 ~~Code Section 306.8.~~

23 ~~—(f) **Demolition of Dwellings, Approval of Replacement Structure Required.** Unless the building is~~
24 ~~determined to pose a serious and imminent hazard as defined in the Building Code an application~~
25 ~~authorizing demolition in any NC or Eastern Neighborhoods Mixed Use District of an historic or~~

1 ~~architecturally important building or of a dwelling shall not be approved and issued until the City has~~
2 ~~granted final approval of a building permit for construction of the replacement building. A building~~
3 ~~permit is finally approved if the Board of Appeals has taken final action for approval on an appeal of~~
4 ~~the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal~~
5 ~~with the Board has lapsed with no appeal filed.~~

6 ~~—The demolition of any building whether or not historically and architecturally important may be~~
7 ~~approved administratively where the Director of the Department of Building Inspection or the Chief of~~
8 ~~the Bureau of Fire Prevention and Public Safety determines, after consultation with the Zoning~~
9 ~~Administrator, that an imminent safety hazard exists, and the Director of the Department of Building~~
10 ~~Inspection determines that demolition or extensive alteration of the structure is the only feasible means~~
11 ~~to secure the public safety.~~

12 ~~—(g) **Micro Wireless Telecommunications Services Facilities, Notification and Review Required.**~~
13 ~~Building permit applications for new construction of a Micro Wireless Telecommunications Services~~
14 ~~Facility under Article 7 or 8 of the Planning Code in all NC or Eastern Neighborhoods Mixed Use~~
15 ~~Districts shall be subject to the notification and review procedures required by this Section. Pursuant~~
16 ~~to Section 205.2, applications for building permits in excess of 90 days for Temporary Wireless~~
17 ~~Telecommunications Facilities to be operated for commercial purposes in NC and Eastern~~
18 ~~Neighborhood Mixed Use Districts shall also be subject to the notification and review procedures~~
19 ~~required by this Section.~~

20 ~~—(h) **Removal of Residential Units.** When removal or elimination of a residential unit is proposed,~~
21 ~~the Applicant shall comply with the following notification procedures.~~

22 ~~—(1) The Applicant shall provide a list of all residential units in the subject property to the Zoning~~
23 ~~Administrator, including those units that may be unauthorized residential units.~~

24 ~~—(2) The Applicant shall post a notice of the application at least 30 inches by 30 inches in a~~
25 ~~conspicuous common area of the subject property, with the content as described in Subsection (d)(2)~~

1 ~~above, and including the phone numbers of the agencies to contact regarding building permit issuance~~
2 ~~and appeal. The sign shall also indicate the appropriate City agency or resource to contact for~~
3 ~~assistance in securing tenant counseling or legal services that can provide assistance to tenants with~~
4 ~~understanding and participating in the City's processes. The sign shall be posted no later than the~~
5 ~~mailing date of the notice required under Subsection (d)(2) above and shall remain posted until the~~
6 ~~conclusion of any hearings on the permit before the Planning Commission, the Zoning Administrator,~~
7 ~~the Board of Supervisors or the Board of Appeals. Such notice shall also include contact information~~
8 ~~for translation services into Spanish, Chinese, and Russian.~~

9 ~~—(3) The Planning Department shall cause notice to be mailed to all residential units in the~~
10 ~~building, including any unauthorized residential units.~~

11 ~~—(4) If an application proposes the kind of work set forth in Section 312(b) above, the Applicant~~
12 ~~shall comply with the notification requirements set forth in Section 312(d) above, in addition to the on-~~
13 ~~site notification requirements set forth in this Section 312(h), but this Section 312(h) shall not require~~
14 ~~compliance with such notification requirements if they are otherwise not required.~~

15
16 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**
17 **DEMOLITION, MERGER AND CONVERSION.**

18 * * * *

19 (h) **Notice of Conditional Use Hearing.** ~~At least twenty days prior to~~ For any hearing to
20 consider a Conditional Use authorization required under Subsection (g)(2), (g)(3), (g)(4), or
21 (g)(5), the Zoning Administrator shall ~~cause a written~~ provide notice as required by Section 333 of
22 this Code ~~containing the following information to be mailed to all Residential Units and if known any~~
23 ~~Unauthorized Units in the building,~~ in addition to any other notice required under this Code:

24 ~~(1) Notice of the time, place, and purpose of the hearing; and~~
25

1 (2) ~~An explanation of the process for demolishing, merging, or converting Residential~~
2 ~~Units or Unauthorized Units, including a description of subsequent permits that would be required~~
3 ~~from the Planning Department and Department of Building Inspection and how they could be appealed.~~

4 * * * *

5
6 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED**
7 **USE DISTRICTS.**

8 * * * *

9 **(e) Hearing and Decision.**

10 (1) **Hearing.** The Planning Commission shall hold a public hearing for all
11 projects that are subject to this Section.

12 (2) **Notice of Hearing.** Notice of such hearing shall be provided as required by
13 Section 333 of this Code. ~~pursuant to the same requirements for Conditional Use requests, as set forth~~
14 ~~in Section 306.3 and 306.8.~~

15 (3) **Director's Recommendations on Modifications and Exceptions.** At the
16 hearing, the Planning Director shall review for the Commission key issues related to the
17 project based on the review of the project pursuant to Subsection (c) and recommend to the
18 Commission modifications, if any, to the project and conditions for approval as necessary. The
19 Director shall also make recommendations to the Commission on any proposed exceptions
20 pursuant to Subsection (d).

21 (4) **Decision and Imposition of Conditions.** The Commission, after public
22 hearing and, after making appropriate findings, may approve, disapprove or approve subject
23 to conditions, the project and any associated requests for exception. As part of its review and
24 decision, the Planning Commission may impose additional conditions, requirements,
25

1 modifications, and limitations on a proposed project in order to achieve the objectives,
2 policies, and intent of the General Plan or of this Code.

3 (5) **Appeal.** The decision of the Planning Commission may be appealed to the
4 Board of Appeals by any person aggrieved within 15 days after the date of the decision by
5 filing a written notice of appeal with that body, setting forth wherein it is alleged that there was
6 an error in the interpretation of the provisions of this Code or abuse of discretion on the part of
7 the Planning Commission.

8 (6) **Discretionary Review.** No requests for discretionary review shall be
9 accepted by the Planning Department or heard by the Planning Commission for projects
10 subject to this Section.

11 (7) **Change of Conditions.** Once a project is approved, authorization of a
12 change in any condition previously imposed by the Planning Commission shall require
13 approval by the Planning Commission subject to the procedures set forth in this Section.

14 15 **SEC. 330.7. PUBLIC NOTICE.**

16 In addition to the notice standards of Sections 306 through 306.5 in this Code, and any
17 other notice requirement by the Building Code or any other notice required by the Municipal
18 Code, the Zoning Administrator shall ~~mail notice~~ provide notice of a Coastal Zone Permit
19 Application as required by Section 333 of this Code. ~~to residents within 100 feet of the subject~~
20 ~~property, and mail notice to any person or group who specifically requests notice. The notice shall~~
21 ~~identify the nature of the project, its location within the coastal zone, the time and date of hearing if~~
22 ~~any, and appeal procedures.~~

23 24 **SEC. 333. PUBLIC NOTIFICATION PROCEDURES**

25

1 **(a) Purpose.** *The purpose of this section is to establish procedures for all public*
2 *notifications required by this Code.*

3 **(b) Applicability.** *The requirements of this Section 333 shall apply to any hearing before the*
4 *Planning Commission, Historic Preservation Commission and/or the Zoning Administrator for which*
5 *public notice is required in this Code, and to certain Building Permit Applications under review by the*
6 *Planning Department pursuant to Section 311 of this Code. The Zoning Administrator shall determine*
7 *the means of delivering all forms of public notice pursuant to this Code, provided that the requirements*
8 *of this Section 333 are satisfied.*

9 **(c) Notification Period.** *For the purposes of this section 333, the Notification Period shall*
10 *mean no fewer than 20 calendar days prior to the date of the hearing, or in the case of a Building*
11 *Permit Application a period of no fewer than 20 calendar days prior to any Planning Department*
12 *approval of the application.*

13 **(d) Content of Notice.**

14 *(1) All notices provided pursuant to this section 333 shall have a format and content*
15 *determined by the Zoning Administrator, and shall at a minimum include the following:*

16 *_____ (A) the address and block/lot number(s) of the subject project; and*

17 *_____ (B) the Planning Department case number or Building Permit Application*
18 *number, as applicable, for the subject project; and*

19 *_____ (C) the basic details of the project, including whether the project is a demolition,*
20 *new construction, alteration, or change of use; and basic details comparing the existing and proposed*
21 *conditions at the property including building height, number of stories, dwelling unit count, number of*
22 *parking spaces, and the use of the building; and*

23 *_____ (D) instructions on how to access the online notice and plan sets for the project,*
24 *including how to obtain paper copies of the plan sets, and additional information as follows:*

1 (i) for Building Permit Applications subject to section 311 of this Code:
2 the beginning and end dates of the notification period along with instructions on how to contact the
3 project planner, and for how to file an application for Discretionary Review; and contact information
4 for the appropriate City agency or resource to contact for assistance in securing tenant counseling or
5 legal services, as applicable; or

6 (ii) for any public hearings required by the Planning Code and for which
7 public notification is required for a development application: the date, time and location of the
8 hearing; instructions for how to submit comments on the proposed project to the hearing body; and an
9 explanation as to why the hearing is required.

10 (2) Multiple Language Requirement.

11 (A) Definitions. The following definitions shall apply for the purposes of this
12 Subsection:

13 (i) Dedicated Telephone Number means a telephone number for a
14 recorded message in a Language of Limited English Proficient Residents. The recorded message shall
15 advise callers as to what information they should leave on the message machine so that the Department
16 may return the call with information about the notice in the requested language.

17 (ii) Language of Limited English Proficient Residents means each of the
18 two languages other than English spoken most commonly by San Francisco residents of limited English
19 proficiency as determined by the Planning Department based on its annual review of United States
20 census and other data as required by San Francisco Administrative Code Section 91.2.

21 (B) All forms of required notice established in this section 333 shall include a
22 statement, provided in each Language of Limited English Proficient Residents and, to the extent
23 available Department resources allow, such other languages that the Department determines desirable,
24 providing a Dedicated Telephone Number at which information about the notice may be obtained in the
25 language in question. The Department shall maintain a Dedicated Telephone Number for each

1 Language of Limited English Proficient Residents. The Department shall place a return telephone call
2 by the end of the following business day to each person who leaves a message, and when the caller is
3 reached, provide information to the caller about the notice in the language spoken by the caller.

4 (e) **Required Notices.** Except as provided in subsection 333(f) below, all notices provided
5 pursuant to this section 333 shall be provided in the following formats:

6 (1) **Posted Notice.** A poster or posters with minimum dimensions of 11 x 17 inches,
7 including the content set forth in subsection 333(d) above, shall be placed by the project applicant at
8 the subject property and for the entire duration of the Notification Period as set forth herein. This
9 notice shall be in addition to any notices required by the Building Code, other City codes or State law.
10 One poster shall be required for each full 25 feet of each street frontage of the subject property. For
11 example, 2 posters would be required for a 50 foot street frontage; 3 posters would be required for
12 either a 75 foot frontage or a 99 foot frontage. Multiple posters shall be spread along the subject street
13 frontage as regularly as possible. All required posters shall be placed as near to the street frontage of
14 the property as possible, in a manner to be determined by the Zoning Administrator.

15 (2) **Mailed Notice.** Written notice with minimum dimensions of 4-1/4 x 6 inches,
16 including the contents set forth in subsection 333(d), shall be mailed to all of the following recipients in
17 a timely manner pursuant to the Notification Period established herein:

18 (A) Neighborhood organizations that have registered with the Planning
19 Department, to be included in a list that shall be maintained by the Planning Department and available
20 for public review for the purpose of notifying such organizations of hearings and applications in
21 specific areas; and

22 (B) Individuals who have made a specific written request for to be notified of
23 hearings and applications at a subject lot; and

24 (C) All owners and, to the extent practicable, occupants of properties, within no
25 less than 150 feet of the subject property, including the owner(s) and occupant(s) of the subject

1 property, including any occupants of unauthorized dwelling units. Names and addresses of property
2 owners shall be taken from the latest Citywide Assessor's Roll. Failure to send notice by mail to any
3 such property owner where the address of such owner is not shown on such assessment roll shall not
4 invalidate any proceedings in connection with such action. The Zoning Administrator shall determine
5 the appropriate methodology for satisfying this requirement. If applicable State law requires notice to
6 be provided in a different manner, such notice will be provided consistent with applicable State
7 requirements.

8 (3) **Online Notice.** For the entire duration of the Notification Period established
9 herein, the following notification materials shall be provided on a publicly accessible website that is
10 maintained by the Planning Department:

11 (A) A digital copy formatted to print on 11 x 17 inch paper of the posted
12 notice including the contents set forth in subsection 333(d) for the hearing or application; and

13 (B) Digital copies of any architectural and/or site plans that are scaled and
14 formatted to print on 11 x 17 inch paper, are consistent with Plan Submittal Guidelines maintained and
15 published by the Planning Department, and that describe and compare, at a minimum, the existing and
16 proposed conditions at the subject property, the existing and proposed conditions in relationship to
17 adjacent properties, and that may include a site plan, floor plans, and elevations documenting
18 dimensional changes required to describe the proposal.

19 (f) **Notice of Hearings for Legislative Actions.** Notwithstanding the foregoing, for all
20 hearings required for consideration of legislation, including but not limited to a Planning Code
21 Amendment, Zoning Map Amendment, General Plan Amendment, or Interim Zoning Controls, an
22 online notice shall be provided for the entire duration of the Notification Period established herein on a
23 publicly accessible website that is maintained by the Planning Department, and shall include the date,
24 time, and location of the hearing; the case number for the subject action; a general description of the
25 subject and purpose of the hearing; and instructions for how to contact the planner assigned to the case

1 and provide comment to the hearing body. For any legislative proposal to reclassify property through a
2 Zoning Map Amendment, or to establish Interim Zoning Controls, if the area to be reclassified or the
3 area in which the interim controls are applicable is 30 acres or less in total area, excluding the area of
4 public streets and alleys, the information specified in this Subsection (f) shall be provided in a mailed
5 notice consistent with the requirements of subsection 333(d) above, and the notices shall also include a
6 map or general description of the area proposed for reclassification or action. For any legislative
7 proposal to reclassify property through a Zoning Map Amendment, if the area to be reclassified
8 comprises a single development lot or site, the required information shall also be provided in a posted
9 notice consistent with the requirements of subsection 333(d) above.

10 (g) **Elimination of Duplicate Notice.** The notice provisions of this Section may be waived by
11 the Zoning Administrator for applications that have been, or prior to any approval will be, the subject
12 of an otherwise duly noticed public hearing before the Planning Commission or Zoning Administrator,
13 provided that the nature of work for which the application is required is both substantially included in
14 the hearing notice and was the subject of the hearing.

15 (h) **Newspaper Notice.** If newspaper notice is required by applicable State law, the City
16 shall provide such newspaper notice.

18 **SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.**

19 (a) If a public hearing before the HPC on a Certificate of Appropriateness is required,
20 a timely appeal has been made of an Administrative Certificate of Appropriateness, or the
21 HPC has timely requested review of an Administrative Certificate of Appropriateness, the
22 Department shall set a time and place for said hearing within a reasonable period. Notice of
23 the time, place and purpose of the hearing shall be ~~given~~ provided as required by Section 333 of
24 this Code. ~~by the Department as follows:~~

25 ~~(1) By mail to the applicant not less than 20 days prior to the date of the~~

1 ~~hearing;~~

2 ~~(2) By mail to any interested parties who so request in writing to the~~
3 ~~Department;~~

4 ~~—— (3) For landmark sites: by mail not less than 20 days prior to the date of the hearing to~~
5 ~~all owners and occupants of the subject property and owners and occupants of properties within 150~~
6 ~~feet of the subject property;~~

7 ~~—— (4) For buildings located in historic districts: by mail not less than 20 days prior to the~~
8 ~~date of the hearing to all owners and occupants of the subject property, all owners of properties within~~
9 ~~300 feet of the subject property, and all occupants of properties within 150 feet of the subject property.~~

10 ~~(5) By posting notice on the site not less than 20 days prior to the date of the~~
11 ~~hearing; and~~

12 ~~(6) Such other notice as the Department deems appropriate.~~

13 ~~(b) For the purposes of mailed notice, the latest citywide assessment roll for names and~~
14 ~~addresses of owners shall be used, and all efforts shall be made to the extent practical, to notify~~
15 ~~occupants of properties in the notification area. Failure to send notice by mail to any such property~~
16 ~~owner where the address of such owner is not shown on such assessment roll shall not invalidate any~~
17 ~~proceedings in connection with such action.~~

18
19 **SEC. 1111.4. SCHEDULING AND NOTICE OF HISTORIC PRESERVATION COMMISSION**
20 **HEARINGS.**

21 (a) If a public hearing before the HPC is required under this Section 1111, the
22 Department shall set a time and place for the hearing within a reasonable period. Notice of the
23 ~~time, place, and purpose of the~~ hearing shall be given by the Department provided as required in
24 Section 333 of this Code. ~~not less than 20 days prior to the date of the hearing as follows:~~

25 ~~—— (1) By mail to the owner of the subject property;~~

- 1 ~~————— (2) By mail to the applicant;~~
- 2 ~~————— (3) By mail to any interested parties who make a request in writing to the Department;~~
- 3 ~~————— (4) For applications for a building located in a Conservation District, by mail to the~~
- 4 ~~owners of all real property within 300 feet of the subject property;~~
- 5 ~~————— (5) For applications for a building not located in a Conservation District, by mail to~~
- 6 ~~the owners of all real property within 150 feet of the subject property;~~
- 7 ~~————— (6) By posting notice on the site; and~~
- 8 ~~————— (7) By any other means as the Department deems appropriate.~~

9 ~~(b) Notice for HPC review of Minor Permits to Alter. A hearing for the HPC to exercise its~~

10 ~~review powers over a Minor Permit to Alter shall be noticed:~~

11 ~~————— (1) By mail not less than 10 days prior to the date of the hearing to the applicant, all~~

12 ~~owners within 150 feet of the subject property, as well as to any other interested parties who so request~~

13 ~~in writing to the Department; and~~

14 ~~————— (2) By posted notice on the site not less than 10 days prior to the date of the hearing.~~

15

16 Section 5. The Planning Code is hereby amended by revising Sections 1005, 1111.1,

17 and 1111.2 to read as follows:

18

19 **SEC. 1005. CONFORMITY AND PERMITS**

20 * * * *

21 (e) After receiving a permit application from the Central Permit Bureau in accordance

22 with the preceding subsection, the Department shall ascertain whether a Certificate of

23 Appropriateness is required or has been approved for the work proposed in such permit

24 application. If a Certificate of Appropriateness is required and has been issued, and if the

25 permit application conforms to the work approved in the Certificate of Appropriateness, the

1 permit application shall be processed without further reference to this Article 10. If a
2 Certificate of Appropriateness is required and has not been issued, ~~of~~ or if the permit
3 application does not conform to what was approved, the permit application shall be
4 disapproved or held by the Department until such time as conformity does exist either through
5 modifications to the proposed work or through the issuance of an amended or new Certificate
6 of Appropriateness. Notwithstanding the foregoing, in the following cases the Department
7 shall process the permit application without further reference to this Article 10:

8 (1) When the application is for a permit to construct on a landmark site where
9 the landmark has been lawfully demolished and the site is not within a designated historic
10 district;

11 (2) When the application is for a permit to make interior alterations only on a
12 privately-owned structure or on a publicly-owned structure, unless the designating ordinance
13 requires review of such alterations to the privately- or publicly-owned structure pursuant to
14 Section 1004(c) hereof. Notwithstanding the foregoing, if any proposed interior alteration
15 requiring a permit would result in any significant visual or material impact to the exterior of the
16 subject building, a Certificate of Appropriateness shall be required to address such exterior
17 effects;

18 (3) When the application is for a permit to do ordinary maintenance and repairs
19 only. For the purpose of this Article 10, "ordinary maintenance and repairs" shall mean any
20 work, the sole purpose and effect of which is to correct deterioration, decay or damage of
21 existing materials, including repair of damage caused by fire or other disaster;

22 (4) When the application is for a permit to maintain, repair, rehabilitate, or
23 improve streets and sidewalks, including sidewalk widening, accessibility, and bulb-outs,
24 unless such streets and sidewalks have been explicitly called out in a landmark's or district's
25 designating ordinance as character defining features of the landmark or district.

1 (5) When the application is for a permit to alter a landing or install a power-assist
2 operator to provide an accessible entrance to a landmark or district, provided that the improvements
3 conform to the requirements outlined in Section 1006.6;

4 (6) When the application is for a permit to install business signs or awnings as defined
5 in Section 602 of this Code to a landmark or district, provided that signage, awnings, and transparency
6 conform to the requirements outlined in Section 1006.6;

7 (7) When the application is for a permit to install non-visible rooftop appurtenances to
8 a landmark or district, provided that the improvements conform to the requirements outlined in Section
9 1006.6; or

10 (8) When the application is for a permit to install non-visible, low-profile skylights,
11 provided that the improvements conform to the requirements outlined in Section 1006.6; or

12 (9) When the application is for a permit to install a City-sponsored Landmark plaque to
13 a landmark or district, provided that the improvements conform to the requirements outlined in Section
14 1006.6 of this Code.

15 * * * *

16
17 **SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

18 * * * *

19 (c) All applications for a Permit to Alter that are not Minor Alterations delegated to
20 Department staff shall be scheduled for a hearing by the HPC pursuant to the procedures in
21 Section 1111.4 and 1111.5 below. Notwithstanding the foregoing, in the following cases the
22 Department shall process the permit application without further reference to the Permit to Alter
23 procedures outlined herein:

1 (1) When the application is for a permit to make improvements to provide an accessible
2 entrance to a Significant or Contributory building or any building within a Conservation District
3 provided that the improvements conform to the requirements outlined in Section 1111.6 of this Code;

4 (2) When the application is for a permit to install business signs to a Significant or
5 Contributory building or any building within a Conservation District provided that signage and
6 transparency conform to the requirements outlined in Section 1111.6 of this Code; or

7 (3) When the application is for a permit to install non-visible rooftop appurtenances to
8 a Significant or Contributory building or any building within a Conservation District provided that the
9 improvements conform to the requirements outlined in Section 1111.6 of this Code.

11 **SEC. 1111.2. SIGN PERMITS.**

12 (a) New general advertising signs are prohibited in any Conservation District or on
13 any historic property regulated by this Article 11.

14 (b) If a permit for a sign is required pursuant to Article 6 of this Code, the
15 requirements of this Section shall apply to such permit in addition to those of Article 6.

16 (c) In addition to the requirements of Article 6, an application for a business sign,
17 general advertising sign, identifying sign, or nameplate to be located on a Significant or
18 Contributory Building or any building in a Conservation District shall be subject to review ~~by the~~
19 ~~HPC~~ pursuant to the provisions of this Article. The HPC, or the Planning Department pursuant to
20 Section 1111.1 of this Code, shall disapprove the application or approve it with modifications to
21 conform to the requirements outlined in Section 1111.6 of this Code, including if the proposed
22 location, materials, typeset, size of lettering, means of illumination, method of replacement, or
23 the attachment ~~would adversely affect~~ so that the special architectural, historical or aesthetic
24 significance of the subject building or the Conservation District are preserved. No application
25 shall be denied on the basis of the content of the sign.

1 Section 6. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 7. Operative Dates.

7 (a) The Amendments contained in Sections 3 and 5 of this ordinance, including
8 revisions to Planning Code Sections 206.4, 309, 315, 1005, 1111.1, and 1111.2; the addition
9 of new Planning Code Section 315.1; and deletion of Planning Code Section 328, shall
10 become operative on the Effective Date.

11 (b) The Amendments contained in Section 4 of this ordinance, including amendments
12 to Planning Code Sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 311,
13 317, 329, 330.7, 1006.3, and 1111.4, deletions of Planning Code Sections 306.10 and 312,
14 and addition of new Planning Code Section 333, shall become operative on January 1, 2019.

15
16 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under

21 //

22 //

23 //

24 //

25 //

1 the official title of the ordinance.

2
3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: _____
6 KATE H. STACY
7 Deputy City Attorney

8 n:\legana\as2018\1800565\01275336.doc

APPENDIX C: NOTIFICATION REQUIREMENTS

Type of Mailing	Mailing Period	Mailing Radius	Newspaper	Posting	Notes
311/312 Notification	30-Day	150' Occupants & Owners	N/A	30-Day	*
329	10-Day	300' Owners	20-Day	20-Day	*
309 (DT Project Authorization) Administrative	10-Day	Adjacent Owners	N/A	N/A	*
309 (DT Project Authorization) Hearing	10-Day	300' Owner	N/A	20-Day	*
Condo Conversion (5+ Units)	10-Day	300' Owner	N/A	10-Day	*
COA (within historic histricts)	20-Day	150' Occupants & 300' Owners	N/A	20-Day	*
COA (individual landmarks)	20-Day	150' Occupants & Owners	N/A	20-Day	*
Coastal Zone Permit	Use rules for related entitlement (CUA, VAR, BPA, MAP, etc.) for mailing, posting, and newspaper ad				
CUA in all Zoning Districts	20-Day	300' Owners	20-Day	20-Day	*
CUA with Variance (1 notice combined)	20-Day	300' Owners	20-Day	20-Day	*
CUA with 311/312 (1 notice combined)	20-Day combined notice	150' Occupants & 300' Owners	20-Day	20-Day	*
CUA Formula Retail (combined 312 & CUA)	30-Day	150' Occupants & 300' Owners	20-Day	20-Day	*
CUA Projects Subject to 317	20-Day	300' Owners, All Units in Building	20-Day	20-Day	*
Designation - Landmarks & Historic Districts (DES)	10-Day	All Owners in Designation Area	20-Day	N/A	*
DR (Public, Staff Initiated, or Mandatory)	10-Day	Adjacent Occupants & Owners	N/A	10-Day	*
DR (Mandatory, Sutro Tower wireless)	20-Day	1000' Occupants & Owners	N/A	20-Day ^	**
Gas Station Conversion	20-Day	300' Owners	20-Day	20-Day	*
Institutional Master Plan	20-Day	300' Owners	20-Day	20-Day	*
Legislative Amendments (Zoning Map)	20-Day	300' Owners	20-Day	20-Day	* †
Legislative Amendments (GP Amendment)	20-Day	300' Owners	20-Day	N/A	*
Legislative Amendments (Text Change)	20-Day	300' Owners	20-Day	N/A	†
Medical Cannabis Dispensary - DRM	30-Day	300' Owners & Occupants	N/A	30-Day	*
Medical Cannabis Dispensary - CUA	30-Day	300' Owners & Occupants	20-Day	30-Day	*
Office Allocation	N/A	N/A	N/A	20-Day	*
PTA (within conservation district)	20-Day	300' Owners	N/A	20-Day	*
PTA (outside conservation district)	20-Day	150' Owners	N/A	20-Day	*
Planned Unit Development	20-Day	300' Owners	20-Day	20-Day	*
Variance	20-Day	300' Owners	N/A	20-Day	*
Western SOMA	See 312 Notification				
Bayview CAC	Do pre-screen (see next page), then send notice				
* All notices must be mailed to "Citywide" mailing list and neighborhood organization mailing lists, in addition to those specified above. A copy of the mailed notice to be forwarded to all interested parties, specifically to also include <u>ALL</u> BBN Requesters.					
** Sutro Tower requires mailing only to Inner Sunset and Twin Peaks neighborhood groups					
† For areas less than 0.5 acre, an 8.5" X 11" intersection posting is required at every street intersection withing 300' of the property					
^ Posting on-site at Sutro Tower and 8 locations in neighborhood, per Sutro Tower Standard Conditions					



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May 30, 2018

Commission President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Mayor's Process Improvement Ordinance, scheduled for hearing on June 7, 2018

Dear President Hillis and Planning Commissioners,

We are writing to support increased efficiency in the planning process, but we do want to raise a few concerns with the current proposal and to make a couple of suggestions.

We were made aware of this proposed ordinance through our association with other neighborhood groups in the City. *Russian Hill Neighbors* (RHN) did not independently receive any notice, which is illustrative of the concerns raised by some of our fellow neighborhood groups regarding the proposed ordinance.

RHN supports productive action towards greater efficiencies in the public notification process as well as the planning process. We appreciate the Planning Department addressing this goal. However, we believe that engaging in an early dialogue with stakeholders, particularly active neighborhood groups, is more likely to result in a cooperative and productive effort by all parties.

For example, as a neighborhood group whose Board of Directors meets monthly and whose process includes a committee review of issues prior to recommending action by the Board, we are concerned about the proposed reduction of important public notices from 30 to 20 days. Already, we find ourselves hampered by the current mailed notifications process, requiring that someone pick up and distribute them. Depending on our meeting schedule, we may miss the deadlines entirely. We would have preferred having an opportunity to provide specific and reasonable feedback early in the process rather than now, at the hearing stage.

We also urge the Planning Department to adopt electronic communications as the most efficient means for providing notifications, not only for things like 311 notices, but also for proposed planning code amendments. Our hope would be for a very user-friendly system, sortable by neighborhoods, and covering all instances where public notice is mandated.

In our organization, we have introduced the practice of surveying our members on selected issues impacting Russian Hill. We then combine this data with regular member communication. For us, getting early and ongoing feedback from our members is extremely helpful.

We recognize that there is no perfect process. On our part, we support City decision-making that equally values both efficiency and early public input. We would be pleased to participate with the City and other stakeholders in a broad look at the entire issue of notifications and proper public input with the mutual goal of greater efficiency, cost savings and, most importantly, better decision-making. The important issues demand a holistic rather than piecemeal approach.

Thank you for your consideration.

Very truly yours,



Carol Ann Rogers, President

carolannrogers@prodigy.net

415-902-3980

cc: Mayor Mark Farrell
Supervisor Catherine Stefani, District 2
Supervisor Aaron Peskin, District 3
Jonas Ionin, Commissions Secretary



May 30, 2018

San Francisco Planning Commission
c/o Jonas Ionin, Commission Secretary
1650 Mission Street, Room 400
San Francisco, CA 94103

Re: Process Improvements, 2018-004633PCA

Dear Commissioners,

Important legislation designed to help the Planning Department eliminate extraneous process and streamline approvals (especially for 100% subsidized Affordable Housing developments) is actually before you! We're finally getting serious about addressing our overgrown mishmash of rules for housing entitlement. Don't waste this opportunity for major positive steps — with local control, at that.

We ask you to honor Mayor Ed Lee's legacy by approving this legislation. With his executive directive to improve our processes and get San Francisco to build 5,000 units a year, Mayor Lee put this in motion, getting us closer to addressing our massive housing need.

This legislation falls into 4 basic categories: streamlining Affordable Housing, eliminating downtown redundancies, improvements to historic and landmark buildings, and standardizing neighborhood notifications.

The most critical aspect of this legislation is the streamlining of Affordable Housing. Doing this is uncontroversial and should have been done years ago. We obviously support reducing the number of hearings for Affordable Housing. We hope that this streamlined (though not by-right) process will also include the normal handful of variances that most Affordable Housing projects need, especially outside of the more recent area plans.

Creating consistency between large projects in the Eastern Neighborhoods Plan and downtown is wonky but will help eliminate redundancies in the Planning Department. Freeing up valuable planning staff time is a worthy goal.

The improvements to historic preservation review, eliminating hearings for non-substantive changes, is literally the least we can do. Much more major reform is needed of our entire system of historic preservation decision-making. This is a good start, but limited in scope.

1260 Mission Street - San Francisco, CA 94103 | hello@yimbyaction.org | 415.489.0197

YIMBY Action empowers community stakeholders to advocate for affordable and market rate housing, with the goal of bringing down the cost of housing in San Francisco and the Bay Area.



Standardizing and reducing the paper requirements for neighborhood notification is a small but important step towards a more efficient process. This simplification of notifications into a single, straightforward notification system — throwing out the patchwork nightmare of our current notification system — would save countless hours and more than three tons of paper annually. This is a critical step towards a more environmental system. Our neighborhood organizers struggle to keep up with the flood of paper that hits their mailbox. A single postcard with a link to the project documents, organized and up to date — a dream come true!

Nested within this is a major improvement for code-compliant rear-yard bump-outs, which are critical for adding much needed bedrooms and accessory dwelling units. We have already made the decision as a city that these rear-yard additions are something we think building owners should be allowed to do. Less than 5% of rear-yard additions result in complaints. It's time for us to follow the rules we pass, instead of wasting time making decisions on a case-by-case basis.

When we make decisions on a case-by-case basis, rather than following objective standards and rules, we get unintended consequences. First and foremost, these non-objective processes empower those who are able to navigate a complex system: those with time, money and connections are able to make their voices louder. Second, we add unpredictability to the system, costing time and money to project sponsors. Many give up or never start because they cannot be sure what they'll get at the end of a painful process.

Last, when we make decisions on a case-by-case basis, we disempower those who do not feel they can make their "case" before a public body, forever on the record. Those with unconventional lifestyles, "boomerang" kids, or just run-of-the-mill introverts will not feel like they can come before you and beg for a bedroom. When the rules vary case-by-case, we end up demanding people display the sympathetic grandmother or young children to prove they are worthy of what is legally allowed. It's dehumanizing and unjust to those who don't feel comfortable outlining their lives in a public forum.

The money and time saved by the Planning Department and Planning Commission with these process improvements will be significant. Simply reforming the neighborhood notification process will save two full time staff positions annually! Commissioner Fong and Melgar have already taken the step of advocating for a Western Neighborhoods Plan, and we need staff time in the department to begin that work.

The Planning Department and Commission should be spending their time on the big, important policies, not make-work. In short, move this legislation forward and start writing the next batch!



Sincerely,

Laura Foote Clark
YIMBY Action

Kyle Borland
D10 Urbanists

Bobak Esfandiari
Grow the Richmond

Steven Buss
Mission YIMBY

Rebecca Peacock &
Charles Whitfield
New SOMA

Laura Fingal-Surma
Progress Noe Valley

Jimmy La
West Side = Best Side!

Sasha Perigo

Max Ghenis

George Williams

Ravi Sankar

Keziah Plattner

Kyle Huey

Nicole Lindler

Roderick Bovee

Wally Nowinski

Hunter Oatman-Stanford

Dana Beuschel

Allison Arieff

Milo Trauss

Manar Mohamed

Norma Guzman

Ming K Lee

Kyle Peacock

Martin Munoz

Roan Kattouw

Shahin Saneinejad

Oyang Teng

Trevor McCulloch

Caroline Bas

Kyle McVeigh

Reuben Arnold

Dan Federman

Lee Markosian

Matt Stanton

Rosanne de Vries

1260 Mission Street - San Francisco, CA 94103 | hello@yimbyaction.org | 415.489.0197

YIMBY Action empowers community stakeholders to advocate for affordable and market rate housing, with the goal of bringing down the cost of housing in San Francisco and the Bay Area.

May 29, 2018

Mr. Jacob Blintiff, Planner
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94118

via email

SUBJECT: Case 2018-004633PCA (Board File No. 180423) – “Process Improvements” Proposal

Mr. Blintiff,

Planning’s “Process Improvements” proposal encompasses a wide range of changes not only via ordinance but also via departmental operating procedures and process, including staffing for various aspects. Some concerns, starting with neighborhood input arise from the get-go. Other concerns are regarding the steps outlined in the Dec. 1, 2017 Memo from Director John Rahaim to Ed Lee (“Executive Directive 17-02: Keeping up the Pace of Housing Production” which lists implementation measures, process improvement measures that change many aspects of what is being done today. I have some COMMENTS and REQUESTS (next to the → (arrow symbols) which I look forward to your responses.

Thank you.

Sincerely,
/s
Rose Hillson
Resident

cc: Planning Commission, Director John Rahaim, Commissions Secretary, Board of Supervisors, Clerk of the Board

ITEMS 1 – 5 are about lack of neighborhood participation/input.

During this entire “Process Improvements” work and proposed legislation, neighborhood folk have not been asked to participate even though Planning has been busy crafting changes with certain key stakeholders early on.

In February 2018, there are a couple of supervisors reviewing a draft of the legislation for “Process Improvements.” Besides conference calls which may or may not have been only for staff, Planning has held at least a couple of in-person meetings with their key outside stakeholders on March 7 and March 14, 2018. There was also another March meeting for the folk who handle the reproduction side of the notices because Planning is going to do the noticing in-house from now on. **No meeting for neighbors, however.**

(1) ITEM: Feb. 14, 2018 email regarding “legislative items we’d like the Mayor to consider”:

→ **COMMENT:** I do not understand how Planning already knows what to put into the text for the Mayor “to consider” in February if the listening and the informational sessions occurred initially for March 7 and March 14 and have not been thoroughly finalized with even the key stakeholders. How is this possible?

PICTURE OF EMAIL

From: [Bintliff, Jacob \(CPC\)](#)
To: [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Conner, Kate \(CPC\)](#)
Subject: Process legislation memo for Mayor
Date: Wednesday, February 14, 2018 7:39:09 PM
Attachments: [Directive 17-02 Planning Department Legislation 2.14.18.docx](#)

Hi there – I’ve drafted a memo (maybe overkill?) to convey the legislative items we’d like the Mayor to consider. These include only the items from our plan we can realistically move before June (EP changes need more time and Aaron’s ongoing code reorg is on its own timeline).

[I:\Director's Office\Process Improvements\Executive Directive on Housing 2017\Implementation\Legislation\Directive 17-02_Planing Department Legislation_2.14.18.docx](#)

(2) ITEM: Feb. 22, 2018 email re Mar. 14, 2018 “Executive Directive Info Session”:

The session was **for architects and developers** and **land use attorneys** held at **SPUR**. **No neighbors invited.**

PICTURE OF EMAIL

-----Original Appointment-----

From: Bintliff, Jacob (CPC)
Sent: Thursday, February 22, 2018 4:05 PM
To: Bintliff, Jacob (CPC); Conner, Kate (CPC); Watty, Elizabeth (CPC); Sucre, Richard (CPC); Wietgreffe, Wade (CPC)
Cc: Landis, Deborah (CPC)
Subject: Executive Directive Info Session
When: Wednesday, March 14, 2018 2:30 PM-5:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: SPUR

Hi process improvement friends – I am getting our long overdue info session for developers/architects together at long last. Kristy Wang has offered to host us at SPUR so I am working with their availability.

In terms of staffing, Kate has graciously agreed to join me, but I would also like CP and EP represented. Can I ask Liz/Rich to decide which of you (or both if you like!) can cover this? Wade, I see you may have some conflicts with this time but you’re obviously the ideal person to attend from EP. If you can’t make it, could you help me figure out if Tania or Devyani might be able to cover? Thank you!

In terms of the agenda, I’m debating the exact schedule, but let’s say a program from 3:00 – 4:30 or 3:00 – 5:00. I am sending this hold for 2:30 to give us commute time. If you can make it by 3:15 that will be fine, as I will budget in some time for sign-in/arrival and then I’ll start it off with a brief presentation.

I’m thinking of the following agenda (will find a time to meet soon to hash out in more detail with those who will be attending):

90 min version

3:00-3:15 – Sign-in
3:15-3:30 – Intro Presentation (Process Improvements Plan Overview and Implementation)
3:30-4:00 – Discussion Topic 1: Permitted Exceptions and Minor Alterations
4:00-4:30 – Discussion Topic 2: Streamlined PPA and Consolidated Development Application

120 min version

3:00-3:15 – Sign-in
3:15-3:30 – Intro Presentation (Process Improvements Plan Overview and Implementation)
3:30-4:15 – Discussion Topic 1: Permitted Exceptions and Minor Alterations
4:15-5:00 – Discussion Topic 2: Streamlined PPA and Consolidated Development Application

(3) ITEM: Feb. 26, 2018 email for text for “**Mar. 14, 2018 Process Improvements Session**”:
This is for developers, architects, land use attorneys, and consultants.

→ **COMMENT:** No neighbors were supposed to be at this session.

PICTURE OF EMAIL

From: Bintliff, Jacob (CPC)
Sent: Monday, February 26, 2018 5:00 PM
To: Sider, Dan (CPC); SooHoo, Candace (CPC)
Subject: Invitation: Planning Department Process Improvements Info Session

Mayor's Executive Directive on Housing: Informational and Listening Session

Join San Francisco Planning staff for this informational and listening session regarding the Department's Process Improvements Plan that was issued on December 1, 2017 in response to the Mayor's Executive Directive on Housing. (See the full plan [here](#))

This session will focus specifically on the proposals related to **Application and Intake Procedures** and **Routine Projects and Permits**. Planning staff will provide a brief overview of the current

proposals under consideration and the timeline for implementation, which have been refined further since the publication of the plan. The bulk of the session will be reserved for discussion **among staff and participants to address concerns and , Q&A questions, and seek** further recommendations.

Any party actively involved in new residential property development or alterations to existing residential property in San Francisco is encouraged to attend, including architects, residential **developers development firms**, and land use attorneys and consultants.

Date: Wednesday, March 14, 2018

(4) ITEM: Email of RSVP count to **March 7, 2018 “Process Improvements Info Session”**:
Count of RSVPs from invitee list -- **no neighbors**.

PICTURE OF EMAIL

From: [SooHoo, Candace \(CPC\)](#)
To: [Bintliff, Jacob \(CPC\)](#); [Sider, Dan \(CPC\)](#)
Subject: RE: Invitation: Planning Department Process Improvements Info Session
Date: Wednesday, March 07, 2018 3:30:06 PM
Attachments: [ED Listening Session 030718.xlsx](#)

Hi Jacob & Dan –

Please see the current RSVP list for the event. Currently, we have 37 people set to attend (some people on this list have RSVP'd for 2, but only one name is listed on the excel spreadsheet).

Jacob – will you be sending out a reminder follow-up email before Friday?

(5) ITEM: March 14, 2018 email invite to “**developers and architects**” **3/14 Session**

Editing of information was being done up to 1PM on 3/14 for the later session for developers and architects. And Planning had scheduled the “Process Improvements” legislation for approval action on May 24 at this time.

PICTURE OF EMAIL

Wed 3/14/2018 9:39 AM

Bintliff, Jacob (CPC)

Game plan and slides for tomorrow's Developer Info Session

To Watty, Elizabeth (CPC); Wietgreffe, Wade (CPC); Sucre, Richard (CPC); Landis, Deborah (CPC)



Hi team –

Thanks again for joining me tomorrow. I know the idea of spending 2 hours in a room full of developers and architects to invite their feedback on our review processes is not a very pleasant prospect, but it was important to John that we engage with the folks who know what our process looks like from the outside to vet our proposals and see what good ideas may emerge. Hard to argue with the value in that. (FYI, the RSVP list is attached too.)

Here's the **agenda** for tomorrow:

**I plan to arrive by 2:30. Please aim to be there by 3:00.*

3:00-3:15 – Registration

3:15-3:30 – Intro Presentation (Process Improvements Plan Overview and Implementation)

3:30-4:15 – Discussion Topic 1: Streamlined PPA and Consolidated Development Application

4:15-5:00 – Discussion Topic 2: Permitted Exceptions and Minor Alterations

Roles:

- Please see the attached slides if you have a sec before the event tomorrow. They're not my finest work, but they'll have to do (I'll try to pretty them up a bit in the morning too). My notes on the slide give a pretty good play by play of how I am hoping to steer this, with lots of opportunity to pause and hear discussion. **I will take any edits you have until 1:00.**
- **Your role will be to chime in during the discussion portions as it pertains to your area of expertise.** Please feel free to say anything from "ok I hear you, but we're not doing that" to "heck yeah, let's add it to the list".
- My role, aside from moving us along in the presentation and general facilitation, will hopefully be mostly to take notes of what the participants have to say and leave the detailed response to those comments to your expertise and discretion.

Again, thanks for bearing with my scramble on this one and all your support on this! I feel really lucky having such a stellar team to rely on.

Jacob

PICTURE OF PROSPECTIVE? / ACTUAL? ATTENDEES

First Name	Last Name	Email Address	List
Beth	Anderson		Inclusionary Trainings 2017
Yakuh	Askew		TSP Contact List (EP)
Steve	Atkinson		TSP Contact List (EP)
Gerry	Augusta		TSP Contact List (EP)
Marc	Babsin		TSP Contact List (EP)
Andrea	Baker		Inclusionary Trainings 2017
David	Baker		TSP Contact List (EP)
Alice	Barkley		
Bruce	Baumann		TSP Contact List (EP)
Jon	Beck		Inclusionary Trainings 2017
Daniel	Belknap		Inclusionary Trainings 2017
Matt	Bens		TSP Contact List (EP)
Jason	Bonnet		
Don	Bragg		TSP Contact List (EP)
Jaqui	Braver		Inclusionary Trainings 2017
Charles	Breidinger		TSP Contact List (EP)
Tina	C Wong		TSP Contact List (EP)
Michael	Cohen		TSP Contact List (EP)
Michael	Covarrubias		TSP Contact List (EP)
Chistopher	Davenport		TSP Contact List (EP)
Pam	Duffy		TSP Contact List (EP)
Melinda	Ellis Evers		TSP Contact List (EP)
Oz	Erickson		TSP Contact List (EP)
Erin	Feeney		Inclusionary Trainings 2017
Ariane	Fehrenkamp		Inclusionary Trainings 2017
William	Fleishhocher		Inclusionary Trainings 2017
Dan	Frattin		
Gary	Gee		
Brett	Gladstone		
Craig	Hamburg		TSP Contact List (EP)
Sufi	Hariri		Inclusionary Trainings 2017
Jeffrey	Heller		TSP Contact List (EP)
Jennifer	Hernandez		TSP Contact List (EP)
Miki	Hirai		Inclusionary Trainings 2017
Jeff	Hopes		TSP Contact List (EP)
Andrew	Junius		TSP Contact List (EP)
Sean	Keighran		TSP Contact List (EP)
Matthew	Keipper		Inclusionary Trainings 2017
Patrick	Kennedy		TSP Contact List (EP)
Reza	Khoshnevisan		TSP Contact List (EP)
Dan	Kingsley		
Joe	Kirchofer		TSP Contact List (EP)
David	Kriozere		Inclusionary Trainings 2017
Ahmad	Larizedeh		
William	Lightner		TSP Contact List (EP)
Michelle	Lin		Inclusionary Trainings 2017

PICTURE OF PROSPECTIVE? / ACTUAL? ATTENDEES (PAGE 2)

Mark	Macy	Inclusionary Trainings 2017
Whit	Manley	TSP Contact List (EP)
Mark	McDonald	TSP Contact List (EP)
Christopher	Meany	TSP Contact List (EP)
Ahmad	Mohazab	
Amanda	Monchamp	TSP Contact List (EP)
Mary	Murphy	TSP Contact List (EP)
Dan	Murphy	TSP Contact List (EP)
Amy	Neches	TSP Contact List (EP)
Gabriel	Ng	TSP Contact List (EP)
Harry	O'Brien	
Maria	Pracher	TSP Contact List (EP)
Dan	Safier	TSP Contact List (EP)
Jeremy	Schaub	TSP Contact List (EP)
Grace	Shanahan	TSP Contact List (EP)
Carl	Shannon	TSP Contact List (EP)
Neil	Shekri	TSP Contact List (EP)
CHARLES	SHIN	Inclusionary Trainings 2017
Susan	Smartt	TSP Contact List (EP)
David	Sternberg	Inclusionary Trainings 2017
Eric	Tao	TSP Contact List (EP)
Joe	Tobani	
Lou	Vasquez	TDM Developers
Brian	Veit	Inclusionary Trainings 2017
Steven	Vettel	Inclusionary Trainings 2017
Tay	Via	TSP Contact List (EP)
Kaileen	Yen	Inclusionary Trainings 2017
Jim	Zack	TSP Contact List (EP)
Alex	Zucker	Inclusionary Trainings 2017
		TDM Developers
		TDM Developers

(6) ITEM: FROM “EXECUTIVE SUMMARY” (5/17/2018):

*** Page 9, “B. Notification Requirements and Procedures,” #2 – **Eliminating mailed notices/newspaper notices:**

“Current notification requirements are antiquated and wasteful, while not serving the public as broadly as possible given current technology. Mailed notification for Building Permit Applications subject to Section 311 and 312 alone generated over 600,000 pages or 3 tons of paper at a cost of over \$250,000 in 2017 due to the current requirement that 11 x 17 inch plan sets be mailed as part of the notice. The newspaper notification requirement cost the City over \$70,000 in 2017, while the notification provided through this requirement is only available in a copy of one specific publication on only one day of the week.”

➔ **COMMENT/REQUEST (for answers):** Some people may have a reason to have printed copies as opposed to staring at computer screens which differ in size for ease of viewing. If folks have

computers, what level of software, how much memory and other features are required to successfully use your proposed “tools”? What do you propose for people who do not or cannot use computers?

The department’s change to have printouts only if somebody calls for them and having them only at Planning Department (1650 Mission St., 4th Floor, Mon.-Fri. 8-5 except holidays) would also cut into people’s busy schedules.

- ➔ **COMMENT:** In the whole scheme of the city’s budget and the revenue that Planning generates, not sure that \$250,000 really is much to ask for public noticing especially since notices are being cut down and the documents are produced “in-house” rather than at printing firms. People are lacking a lot of spare time to do a “paper chase” to the Planning Department if they cannot access online material.
- ➔ **REQUEST:** To be more “neighborhood-friendly,” put the copies out in the branch libraries for people to read. The time wasted in this process will give advantage to those who are online though, especially for short deadline dates.

(7) ITEM: FROM “LEGISLATIVE DIGEST” – See also ITEM #12:

*** Page 3, General Noticing Requirements, 3rd Paragraph – **ZA WAIVER of DUPLICATE NOTICE:**
(See also Item #14(I).)

“The **Zoning Administrator** may **waive duplicate notice** for applications that are the subject of an otherwise duly noticed public hearing before the Planning Commission or Zoning Administrator, provided that the nature of work for which the application is required is both substantially included in the hearing notice and was the subject of the hearing.”

- ➔ **REQUEST (clarification/answer):** It is unclear if a project had a notice to expand a building in Jan. 2018 and later wishes to expand the building or do other work on the parcel, e.g., in Aug. 2018, would there be another notice sent out? If there is a notice for a development project in 2015 for a development but never built, and then there is a proposed change to that project in 2018 when the landowner proposes to finally build, would a notice go out? **Please clarify when notices would not be sent out in re “duplicate notice elimination.”**

(8) ITEM: LEGISLATION vs. EXECUTIVE SUMMARY:

*** Legislation, Page 21, Lines 5-8, though not limited to only this instance in the ordinance, states:

“The Planning Department’s administrative determination regarding an Affordable Housing Project pursuant to this Section 315 shall be considered part of a related building permit. Any **appeal** *<emphasis added>* of such determination **shall be made through** *<emphasis added>* the **associated building permit** *<emphasis added>*.”

And then...

*** Executive Summary, “The Way It Would Be,” Page 4, #1, states:

“In addition, **these projects would not be subject to a public hearing for Discretionary Review**, provided that the Planning Commission delegates such authority to the Planning Department...through Section 315 Administrative approvals pursuant to Section 315 would continue to be appealable to the **Board of Appeals** *<emphasis added>*.”

- **REQUEST:** What is the difference between “...appeal...through the associated building permit” vs. appealing to the “Board of Appeals”?
- **REQUEST:** Put “Board of Appeals” in the legislation (rather than the longer phrase) if no difference.

(9) ITEM: LEGISLATION, SEC. 333 (<<< NEW >>>)

*** Page 61, Lines 6-14, “Posted Notice,” shrinks current 30”x30” signs with 11”x17” signs which are too small to be seen from the sidewalk, especially when obstructed by dark glass or up so high one cannot read it anyway. And then this new legislation states signs to be placed at 25-ft. intervals around subject property rather than 300-ft. radius as currently mandated.

- **COMMENT/REQUEST:** Larger signs are more readable so the 30”x30” size should be retained.
- **REQUEST:** Legislation should add that signs “**shall be unobstructed**” (not behind smoked glass, shrouds of scaffolds, posted so high up it is unreadable, etc.) since it is nowhere in the legislation

(10) ITEM: Page 61, Lines 15-7, “Mailed Notice,” proposes a “4-1/4 x 6 inch” postcard vs. the more detailed information on today’s 311/312 Notices. You can’t get enough information on such a small postcard. (See also Item #14(F) below.)

- **COMMENT/REQUEST:** Look at the current 311 notices – much more info than can fit on this tiny postcard. Will lose valuable information this way. **Do not reduce info on any notification not as currently on 311/312 notices.**

The new notification rules favor people who belong to neighborhood organizations and those who have asked to be notified of certain parcels. However, not everyone is part of a neighborhood organization nor have they the knowledge to ask to be put on a list at Planning (?) to be notified of development on certain parcels. What parts of SF are not part of a neighborhood organization? 10% of the city? 50%? These neighbors will be at a disadvantage from the new noticing provisions proposed.

(11) ITEM: Page 62, Lines 13-18, “**Online Notice**” – **Digital links to print only on 11” x 17” paper; *may* include site plan, floor plans, elevations.**

- **COMMENT:** Not everybody has a printer that prints larger format on 11x17 paper and that paper is way more expensive for the public than 8-1/2” x 11” but that’s too small even for reading plans.
- **REQUEST:** Page 62, Line 17, change “may” to “**shall**” so that dimensions, and other information we get today is retained. Plans are pretty meaningless without including measurements, including site plan, floor plans, elevations, views (north, south), BOTH existing and proposed.

(12) ITEM: Page 63, Lines 10-14, “(g) Elimination of Duplicate Notice,” says the Zoning Administrator can waive the noticing under Sec. 333 for projects that:

- **REQUEST:** See also ITEM #7 above.

(13) ITEM: “HOUSING NOW: A MULTI-AGENCY HOUSING ACTION PLAN AND AGREEMENT, APRIL 15TH, 2018” DOCUMENT (aka “ED Action Plan and Agreement”) -- attached

This document is a roadmap for the “Process Improvements.” They include *NON*-ordinance measures which may impact neighborhoods.

- A. The “**Design Review Protocols**” will be **effective June 2018** (Page 9, “Goal #1: Accelerate...City design review...; City Design Review; All departments”).
 ➔ **REQUEST:** Please provide these “Design Review Protocols”.
- B. The **Urban Design Guidelines (UDG)** is to be **updated in “Q4 18”** (Page 10, “Goal #1; “Planning). The UDG Matrix (see below image) that will be used relies on only the larger section headings from the full UDG document to decide compliance of a project. Using only this UDG Matrix may cause impacts to neighborhoods without understanding other issues around the project without referencing back to the full UDG document.
 ➔ **COMMENT/REQUEST:** If the checklist for UDG compliance is that shown below, it appears very general and almost any designed project would be approved. If not, please provide any insights how a planner just hired is going to be able to make the decisions under this UDG Matrix.

URBAN DESIGN GUIDELINES MATRIX				
Project address			REVIEW TYPE	
Application number			Date of Review / Response	
Quadrant			Date of Drawings	
Assigned Planner			Comment author	
Assigned Design Review staff			Meeting Attendees	
#	Guideline			Conformance
Site Design				
S1	Recognize and Respond to Urban Patterns			
S2	Harmonize Relationships between Buildings, Streets, and Open Spaces			
S3	Recognize and Enhance Unique Conditions			
S4	Create, Protect, and Support View Corridors			
S5	Create a Defined and Active Streetwall			
S6	Organize Uses to Complement the Public Environment			
S7	Integrate Common Open Space and Landscape with Architecture			
S8	Respect and Exhibit Natural Systems and Features			
Architecture				
A1	Express a Clear Organizing Architectural Idea			
A2	Modulate Buildings Vertically and Horizontally			
A3	Harmonize Building Designs with Neighboring Scale and Materials			
A4	Design Buildings from Multiple Vantage Points			
A5	Shape the Roofs of Buildings			
A6	Render Building Facades with Texture and Depth			
A7	Coordinate Building Elements			
A8	Design Active Building Fronts			
A9	Employ Sustainable Principles and Practices in Building Design			
Public Realm				
P1	Design Public Open Spaces to Connect with and Complement the Streetscape			
P2	Locate and Design Open Spaces to Maximize Physical Comfort and Visual Access			
P3	Express Neighborhood Character in Open Space Designs			
P4	Support Public Transportation and Bicycling			
P5	Design Sidewalks to Enhance the Pedestrian Experience			
P6	Program Public Open Spaces to Encourage Social Activity, Play, and Rest			
P7	Integrate Sustainable Practices into the Landscape			

- C. Page 10, (“Goal #2; Coordination and Decision-making;” “All Departments”) mentions a “Decision Escalator.”
 ➔ **REQUEST:** Please provide a copy of the “Decision Escalator, a flowchart and documentation protocol (for faster decision-making process)?
- D. Page 11, (Goal #2, Pre- to Post-Entitlement; “All Departments”) mentions “workflow” and “organizational charts to demystify how agencies review and permit housing.”
 ➔ **REQUEST:** Please provide a copy that is “already started” and will be out “July 2018.”

(14) ITEM: 12/1/2017 PLANNING DIRECTOR’S MEMO TO ED LEE

This Memo incorporates a myriad of changes to process and procedures to be implemented outside of ordinance (i.e. not via code changes). The table shows each Action Item as it relates to the following categories of impact. The entire “Process Improvements” are to be handled in 3 Phases, and each Action Item is assigned to a phase.

1. Department Policy
2. Operating Procedures
3. Technology Procedures
4. Administration/Technology
5. Planning Code Amendment (aka Ordinance)
6. Code Amendments (Ordinance re other agencies -- not Planning Code)
7. Department Policies (interagency)
8. Police Code Amendment (Ordinance)
9. Public Health Code Amendment (Ordinance)
10. Historic Preservation Commission Adoption
11. Commission Policy
12. Operating Procedures (interagency)

- A. Page 6, A.1.3. A “**Consolidated Development Application**” will be used rather than separate “Environmental Evaluation Application (EEA)” and “Preliminary Project Assessment” (PPA).
 ➔ **COMMENT/REQUEST:** The “Consolidated Development Application” does not have anything that prevents the applicant to attest as to the truthfulness of what is being submitted to the best of his knowledge nor under penalty of perjury. Many documents are inaccurate as to what the project entails or is withholding facts to give a different actual condition or proposal of a project. Please add something to the “Consolidated Development Application” which attests to truthfulness of information being submitted.
- B. Page 7, A.2.3. If there are many iterations to a proposed project and if the sponsor has an iterative 30 days to respond.
 ➔ **REQUEST:** If there has been a Discretionary Review filed for that project that has changed, is Planning going to charge another Discretionary Review fee for each iteration should somebody have concerns with the latest iteration of the same project?
- C. Page 8, A.2.6, Revision to **Director’s Bulletin No. 2** in re **criteria for Priority Application Processing**.
 ➔ **REQUEST:** As part of Phase 1, please provide.
- D. Page 8, A.3.1, **Uniform set of Application Submittal Guidelines** (size, format, content of plan sets, etc.).
 ➔ Please provide “Application Submittal Guidelines”

- E. Page 8, A.4.1, “Complete...**website strategy and design upgrade**...improve...**user experience**...”
 ➔ **REQUEST:** As part of Phase 2, when will the public be invited to have meaningful dialogue and input?
- F. Page 8, A.4.2, **Notification Format and Content...**”a. Convert mailed notice...to a **postcard** format...;” b, ...consistent requirements...notice types...”
 ➔ **REQUEST:** See Item #10 above. Keep current notice used. If website version of notice is being watered down, it will take longer for the public to comprehend the project proposal and there could be more Discretionary Reviews. It would be best to keep as much information as is currently on today’s 311/312 Notices (to be a combined notice), so that people have the information from the start to be more transparent to neighborhoods. Please do not water down the noticing details.
- G. Page 9, A.4.3, a & b, consistent **noticing period** to “reduce staff time and potential for error in fulfilling noticing requirements;” “...**mailing radius** for owners and/or occupants”
 ➔ **REQUEST:** Leave the notification period at 30 days rather than 20 days proposed for “311/312” (to be one notice type) as many people may not get the material once everything is online and the online information will not be as detailed. Whether Planning sends out an electric notice through a few clicks of a mouse at 20 days or 30 days is not going to impact the PPA/NOPDR. When there are multiple issues that can weigh in on why the process may take longer, the setting of the notification period to being cut 10 calendar days is not the “hill to die on.”
 ➔ **REQUEST:** Keep the mailing radius the same (if 300 feet for some, leave it 300 feet). If Planning changes the notification to only 150 feet as proposed, some projects are 150 feet long. And then no public or adjacent neighbor would get noticed. I think that is not the intent of public notification and being inclusive of neighborhood input.; So keep the mailing radii of notices as-is.
- H. Page 9, c, **Planning Code Amendment** for “**minor alterations that may be exempted from 311/312 notification in Residential and NC Districts**” (See also Item #14(J).)
 ➔ **COMMENT/REQUEST:** Seeing that **there is already 2018-001876PCA, “Obstructions in Required Setbacks, Yards, and Usable Open Space”** to allow for projections over street alleys, roof lines, yards and usable open space to be allowed with no maximums, ***just released as informational item for the May 24, 2018 Planning Commission meeting to be effective after June 13,*** and with bay windows being allowed to be waived from current requirements by the Zoning Administrator, it may become a real issue in the close quarters of many buildings in regards to privacy, especially into people’s bathrooms and bedrooms. What are the objective criteria Planning will use to allow ***NO*** maximums for these features? Please provide the document.
- I. Page 9, d, “**“duplicative” or “other agencies” noticing** to be “consolidated” (See also Item #7)
 ➔ **COMMENT/REQUEST:** What is the list of notices from DBI and other agencies that will be eliminated? Is Planning going to be the “master” of all notices? How would people know if Project A at 123 Main Street had a Public Works Notice out if Planning is going to notice for something already described in Public Works’ notice? How will this work? Some people are signed up for some city notices but not others so this can get confusing if Planning decides to approve a project based on Public Works’ noticing.
- J. Page 11, B.2.1, “Identify...**minor scopes of work**... (e.g. certain permitted **obstructions** in yards or setbacks, including limited horizontal additions or infills under existing decks) ... **approved OTC**...” (See also Item #14(H))
 ➔ **REQUEST:** How is this item different from Item #14(H) – 2018-001876PCA also?

- K. Page 11, B.2.3, Checklist of acceptable window treatments for **Class B (age-eligible, but not surveyed) buildings to allow non-preservation planners to approve window replacement permits OTC**. (See also Item #14(O).)
- **REQUEST:** If the planner has no preservation credentials, how can he make decisions on what is appropriate for a Category B (“Class B”) building that is 50+ years old? What objective criteria and certification does Planning have for the planners who will be making these decisions? Please provide the checklist.
- L. Page 12, B.3.4 & B.3.5, **ADU and Unit Legalization OTC**, procedures for eviction history information.
- **REQUEST:** How does DBI & Planning OK the ADUs and Unit Legalization in B.3.4 when B.3.5 to have procedures to get eviction history to permit ADUs does not happen until two phases later? Does this mean that DBI & Planning are OKing ADUs without eviction history today because B.3.5 has not happened yet?
- M. Page 13-14, C.1.1, C.1.2, **Archaeology, Transportation, Noise, Air Quality, Wind, Shadow** (administrative changes) to be **codified**.
- **REQUEST:** How is / will the Planning Department’s codification different from existing state law? The proposed details to incorporate “protective measures” and mitigate via ordinance vs. today’s practices is very murky and no details are provided for these Phase 2 & 3 proposals. Please provide any drafts Code Amendments and Operating Procedure materials related to these Action Items.
- N. Page 14, C.1.3. b, Standards for **acceptable deliverables from consultants** (Phase 1).
- **REQUEST:** What are they? Please provide
- O. Page 16, C.2, C.2.1, **Preservation Bulletin No. 16 revision** (Phase 2, Department Policy) – how department conducts impact analysis (whether historic resource present, etc.); C.2.2 **Citywide historic preservation survey to eliminate case-by-case review** (Phase 3, HPC); (See also Item #14(K).)
- **REQUEST:** Surveys should also consult the property owners as well who own the buildings for historic information not found in “street surveys” by staff who may or may not be “preservation planners” with the same degree of qualification to make decisions on preservation-related determinations. How many preservation planners are being re-routed to regular work? How many preservation planners are being let go? How many preservation planners does Planning have today and will it have by the end of this “Process Improvements” proposal.
- P. Page 16, C.3.4, **“How-To Guide on the residential design review”** (Phase 1).
- **REQUEST:** Please provide.
- Q. Page 16, C.3.5, **Create RDGs Matrix** in lieu of having the Residential Design Advisory Team (RDAT) notes.
- **REQUEST:** Please provide latest iteration of RDGs Matrix.
- R. Pages 17-18, D.1, **Planning Commission Procedures**
- **REQUEST:** For D.1.2 (Revise standards for packet materials for commissioners), if you do not include more of the details, the commissioners may make not-fully-informed decisions that are impactful to neighborhoods. How is this better?
- S. D.2. **Discretionary Review (DR) Procedures**
- **REQUEST:** If a DR is filed and the Commission Policy is to schedule no more than 45 days from the end of the notice period, with the sponsor allowing to respond to the DR within 2 weeks of the filing date, the timeline is reduced to 30 days and the DR notices go out today with 30 days’ notice

but is being contemplated to change to 20 days for all notices. This will put a crimp on an affected party of a DR to basically 10 calendar days to respond and be ready for a Commission hearing. I think with people of limited means (no lawyer at the ready, language barriers, notification issues from not having a computer or via a cursory overview of a project on a postcard being proposed, would essentially cut down on many DRs but at what expense to the neighbors? Not sure this is a good idea to set it to 45 days knowing that the RDAT is going to be working on reviews as well.

T. Page 19, D.3.2. **Removal of CU for HOME-SF** in Planning Code

COMMENT: Not sure if good or not. HOME-SF allowed for “family-friendly” housing but if this changes, not sure impact on neighborhoods.

U. Page 19, D.4 **Planning Code Clarification and Reorganization**

REQUEST: Please provide all proposed Planning Code definitions for this “Process Improvements” proposal.

V. Page 19, D.5.2, **Section 309 change, Section 329 alignment**

COMMENT: Not sure impact on downtown and Eastern Neighborhoods without need for variance hearings.

W. Page 20, D.5.4, **Removal of Variances for ADUs that go into rear setbacks, exposure, etc.**

COMMENT: These might be impactful depending on the nature of the parcels around the proposed ADU project. Initially, the ADUs were going to be “within the footprint” of an existing building. Then it was restricted as to count per building, then the count maximums changed, then any place for an ADU is being contemplated. Some neighbors may be impacted more than others.

X. Page 21, E.1. **Technology Improvements: online applications/payments; electronic plan review/OTC; integrated permit/project tracking system with DBI; impact fee calculator tool for planners**

➔ **COMMENT:** How is this to work right when the legislation passes to allow all of this? When will all of this technology improvement really be fully functional?

Y. Page 21, E.2. **Administration and Training Practices** – increase regular training opportunities for staff on UDG updates or Code Amendments; Department of Human Resources (DHR) to review technology and personnel procedures; reassessment of meeting and communication protocols for staff to manage coordination with project sponsors, other city agencies, community members, and other concerned parties.

➔ **COMMENT/REQUEST:** While there are proposed steps to provide staff with review sessions, what are Planning’s proposals to inform the neighbors of how these things will work, how to use the different technological changes, etc.? Please provide a timeline for the neighborhood folks should this adoption occur.

(15) ITEM: 3/19/2018 Email: Stop requiring peer reviews for Historic Resource Evaluation (HRE) to have applicants hire a consultant prior to filing their PPAs.

➔ **COMMENT/REQUEST (for answers):** Will existing non-preservation planners reviewing plans all have same skill sets the preservation planners had? If non-preservation planners are used, and depending on who that is, there could be oversights. Planning proposes project applicants to hire outside consultants from their list. How much will this cost?

➔ **REQUEST:** What does staff mean by doing a “HRE-like determination of whether an historic resource is present without a project” mean? What is the purpose of this?

PICTURE OF EMAIL re APPLICANTS TO HIRE OUTSIDE CONSULTANTS + HR PRESENT DETERMINATION WITHOUT A PROJECT ON THE SITE

> On Mar 19, 2018, at 12:19 PM, Bintliff, Jacob (CPC) <jacob.bintliff@sfgov.org> wrote:
>
> Hi all –
>
> Can we convene to quickly discuss some ideas that have surfaced regarding our policies for how/when applicants access the HRE consultant pool, and what we do with that consultant product? Sorry for the end of the day time slot, but we would like to determine whether this is desirable/possible in time to be implemented April 2.
>
> Background: we had a “listening session” with developers and architects on Wednesday about PPA/Application changes and the topic of preservation analysis came up (I know you are shocked!).
>
> The Gist: Based on what we heard, Wade, Liz, Rich, Dan, Deborah and I (who attended the session) would like to run the following by you:
> 1) Can we end the practice of requiring a peer study of a previously-prepared HRE during the application review, provided that we direct applicants to hire a consultant off the pool list for their initial HRE and allow them to do that at any time prior to filing a PPA or Development App/EEA? As part of this, we also wondered if we could allow sponsors to hire off the full list with the exception of certain complex/major projects that meet some threshold and would accordingly have to select off a list of three selected by staff?
> 2) As a later change to consider – not for April – can we explore allowing for an HRE-like determination of whether an historic resource is present without a project, recognizing this would not be the same thing as a CEQA determination? There are lots of implications to this, so we want to just start that conversation.
>
> Thank you!
>
> <meeting.ics>

➔ **REQUEST:** Why would you do a “HRE-like” determination? Is this part of Item #14(O)? What are the implications to do this?

(16) ITEM: 4/4/2018 EMAIL – BACK-DATING APPLICATION APPROVAL DATES IN PPTS

➔ **REQUEST:** How will the *integrity* of the “Process Improvements” be affected when apparently Planning/DBI/who else? can **back-date application approval dates in PPTS**? If **anyone can change the dates**, the data for tracking and showing “improvements” can be fudged.

PICTURE OF EMAIL on BACK-DATING APPROVAL DATE in PPTS

Wed 4/4/2018 10:59 AM

Cabreros, Glenn (CPC)

Business process - PPA follow-up

To Bintliff, Jacob (CPC)

Cc Gibson, Lisa (CPC); Watty, Elizabeth (CPC); Sider, Dan (CPC); Conner, Kate (CPC); Sucre, Richard (CPC); Wietgreffe, Wade (CPC); Russell, Erica (CPC); Landis, Deborah (CPC)

Hi Jacob-

Erica is starting to intake PPA applications under the new process. We need a decision if the 60-day deadline is calculated from the date the application is dropped off at the Department or from the date the application is found to meet the minimal submittal requirements (Application Accepted).

Per existing intake processes: when a PPA application is submitted at the PIC, the "open date" of the PPA record is back dated in PPTS to the date the application was received at PIC. The 60 day deadline is then calculated from this open date.

However in the new PPTS PPA workflow, the 60 day deadline is automated from the date for "Application Accepted".

Let us know what's the preference for setting the deadline date. Thank you.

Glenn Cabreros

Principal Planner, Administration

San Francisco Planning Department

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

Direct: 415.558.6169 | www.sfplanning.org

[San Francisco Property Information Map](#)

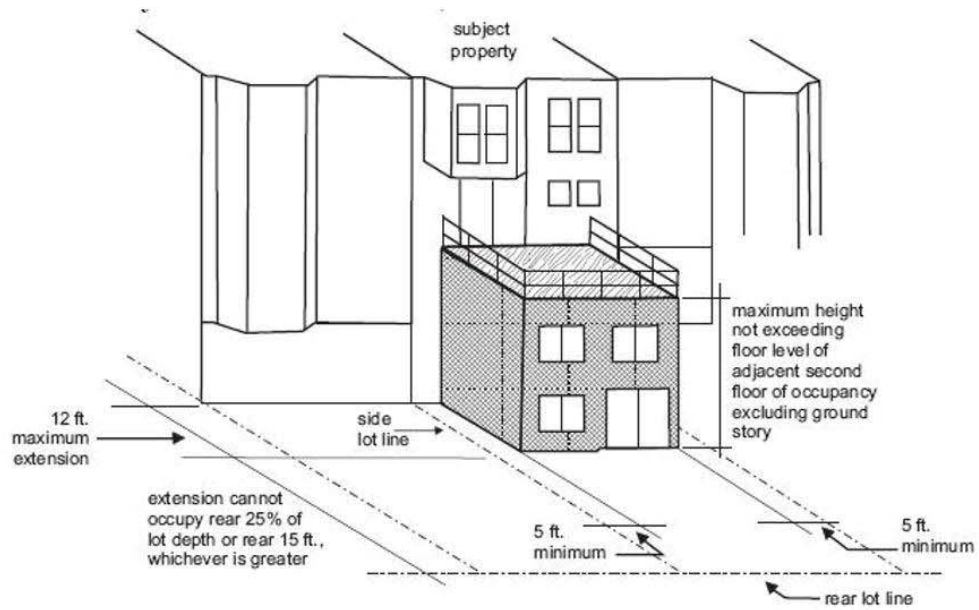
(17) ITEM: MINOR ALTERATION "EXCEPTIONS" IMPACTS:

Planning's PowerPoint slide for one of their informational sessions is looking at "primarily at expansions and alterations of existing homes and apartment buildings" and what would be "appropriate to consider for "over the counter" approval without neighborhood notification" and includes considering those that would need a Variance (to do away with them).

- ➔ **COMMENT:** Although the picture is one from Section 136(1)(c)(25) on a "pop-out," if every other expansion that used to be able to go into side- or rear-yard setbacks are approved "over the counter," then there could be impacts to neighborhoods. The Planning Commission has ruled on prior cases when some of the *Variance* situations from expansions *would* be impactful; yet this is going to "over the counter" approval. Perhaps need to re-think this because there could be filling in of a lot of spaces, especially since everybody is so close in San Francisco. These Sec. 136 decisions are not so easy based on prior Zoning Administration interpretations to this part of Planning Code.
- ➔ **REQUEST:** These alterations that increase sq. ft. of buildings should be noticed as *they expand Floor-Area-Ratio (FAR)*.

PICTURE OF “MINOR” ALTERATIONS with NO NEIGHBORHOOD NOTIFICATION

Permitted Exceptions & Minor Alterations **Smaller Projects**



Mayor's Executive Directive on Housing Production

Let's start out thinking about smaller projects: primarily expansions and alterations of existing homes and apartment buildings.

We're looking for suggestions for things that would be appropriate to consider for "over the counter" approval without neighborhood notification; we're looking for requirements that typically end up causing architectural problems or the need for a Variance, etc..

➔ **REQUEST:** What other "minor alterations" will go un-noticed as part of the end-goal of this "Process Improvements" proposal?

Bintliff, Jacob (CPC)

From: Secretary, Commissions (CPC)
Sent: Tuesday, May 29, 2018 3:15 PM
To: Bintliff, Jacob (CPC); Watty, Elizabeth (CPC)
Cc: Feliciano, Josephine (CPC)
Subject: FW: Opposition on the Proposed Process Improvements

Jonas P. Ionin,
Director of Commission Affairs

Planning Department | City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309 | Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org

From: Elizabeth Fromer [<mailto:efromer3@gmail.com>]
Sent: Tuesday, May 29, 2018 3:10 PM
To: richhillissf@yahoo.com; Richards, Dennis (CPC); Moore, Kathrin (CPC); Melgar, Myrna (CPC); Koppel, Joel (CPC); Rodney Fong; Johnson, Milicent (CPC)
Cc: Secretary, Commissions (CPC)
Subject: Opposition on the Proposed Process Improvements

President Hillis and Planning Commissioners,

I'm writing on behalf of the Liberty Hill Neighborhood Association to express my concerns about the proposed Process Improvements that were presented to the Commission on May 17th.

Reducing neighborhood notification time from 30 to 20 days does not improve planning for our neighborhoods. Neither do Discretionary Review staff reductions and "reforms," or reducing notification packets to postcards. Over-the-counter permits for rear yard expansions that can include up to two floors and extend 12 feet into back yards gives neighbors no voice, and may lead to serial permits, since rarely are these additions done without other extensive alterations.

All of these "improvements" significantly harm the ability of residents to become adequately informed or take appropriate action about nearby projects. In short, it takes away real community control. The recent outcry over Senate Bill 827 and its attack on local planning and zoning controls is a recent reminder that neighborhood residents are not willing to accept these undemocratic actions.

The public must be heard in neighborhood projects, and engage with Planning about projects next door and policies that affect all of us citywide. Good city planning must be a two-way process. Neighborhood communities know best what projects may or may not work well to maintain good quality of life. Neighbors have a right to negotiate for better outcomes if a project next door will adversely affect them. And San Francisco residents should be able to help determine how our city changes, not just developers and speculators.

Before approving any changes that limit or make public engagement more difficult, please consider how those "improvements" would improve the process for neighborhoods and their residents. There must be a solid justification acceptable to everyone.

Sincerely,

Dr. Lisa Fromer
President
Liberty Hill Neighborhood Association (LHNA)
efromer3@gmail.com
415-826-5334



BRUNO KANTER, LEED AP
822 Greenwich Street
San Francisco, CA 94133
Bruno@KanterArchitects.com
415.921.5456

May 29, 2018

Attn: Jacob Bintliff, Senior Planner
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco CA 94103-2479

RE: Support for Process Improvements Ordinance, 2018-004633PCA, [Board File No. 180423]

To whom it may concern,

I have lived and worked as an architect in San Francisco for twenty-five years. I am fortunate to be able to raise my two young children as well as care for my elderly parents here in the city. However, so many of my friends and clients have not been able to afford to do this and thus have been forced to leave the city for places more conducive to family living. I strongly believe that the proposed Process Improvements Ordinance could significantly increase much needed affordable housing in San Francisco and encourage the diversity which makes this city thrive. Eliminating neighborhood notice for the modest rear yard addition will give growing families a more reasonable path forward to remaining in their single family dwellings.

As a small firm architect specializing in residential remodels, I have seen the complexity and process time for acquiring entitlements in San Francisco increase dramatically over the past two decades. I advise clients to be prepared for the long haul in making a modest addition to their home. When faced with the reality of waiting literally years to be able to add a much needed bedroom for a child and/or grandparent, families will often decide to leave the city. Incidentally, in a city with expensive and scarce childcare options, a multi-generational home can have many obvious benefits.

Even worse there are families who start the planning process, but after spending much time and money are forced to discontinue when faced with neighbors who will stop at nothing to prevent a project from getting off the ground. I had the unfortunate experience myself when a neighbor dragged my family through four administrative appeals and eventually the courts on baseless claims to which we eventually prevailed. If it were not for my own professional capacity to usher our project through this lengthy process, my family too would have been forced to leave the city. Families with modest construction budgets can't afford to take on the added cost of defending their entitlements in a lengthy process that is all too often subject to abuse.

Fortunately the proposed Process Improvements Ordinance offers a more reasonable path forward for families who would like to make a modest rear yard addition to their home. Although there would remain the ability to appeal a project, the shortened process would address some of the redundancy and expense to all parties and increase the likelihood that a family could stay the course and remain in San Francisco. Please support the Process Improvements Ordinance, 2018-004633PCA.

Sincerely,

Bruno Kanter

Bruno Kanter
Architect, LEED AP
Lic. #: C-26422

29 May 2018

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

RE: Mayor's Process Improvements Ordinance
Case #2018-004633PCA, Board File #180423

Dear Planning Commissioners:

Thank you for the opportunity to weigh in on the Mayor's Process Improvements Ordinance, coming out of Mayor Lee's Executive Order 17-02 to speed up the approval and permitting of housing across San Francisco.

SPUR strongly supports this strategic effort to streamline the approvals process by:

- **Allowing 100 percent affordable housing projects to be approved administratively**
These projects are broadly supported and essential to retaining lower-income households in San Francisco. These projects face enough challenges and barriers without the city's entitlements and permitting process also getting in the way.
- **Streamlining the approval of large downtown residential projects that currently have to undergo duplicative hearing processes**

The proposal creates standard exceptions for dwelling unit exposure and useable open space which are currently routinely approved by variance yet delay projects and use staff time.

- **Allowing minor scopes of work to be approved administratively by staff**
It is unreasonable that the scopes of work named here (ADA buttons, business signs and awnings, skylights, historical plaques) cannot currently be approved by staff.

- **Standardizes neighborhood notification requirements, reducing it from more than 30 different sets of requirements**

We understand that any change from the status quo may lead some to be concerned that something is being lost. We believe that Planning staff have carefully looked at how to standardize the notification requirements and process in such a way that the community's voice is not lost. It is astonishing and illogical that there are more than 30 different sets of requirements for notification. It is therefore not surprising that mistakes get made, further delaying the approval of projects large and small. Standardizing these requirements and eliminating neighborhood notice for rear yard pop-outs seems very reasonable, particularly given that two full-time staff could be deployed toward more important work at Planning if these changes are made.

We would encourage the city to go even further and continue seeking opportunities to make the approvals process more efficient without giving up project quality. The Planning Department's December 2017 plan outlines more legislative ideas that we hope could also come forward soon. We urge Planning to simplify and standardize environmental review analysis and historical preservation criteria to have a more efficient process and yield more consistent results. In SPUR's recent *San Francisco's Next Mayor: A Blueprint for Change*, we also recommend moving toward eliminating discretionary review and relying on the Board of Appeals process instead, and we suggest pushing forward more Class 32 exemptions.

Thank you for your consideration. Do not hesitate to reach out if you have any questions.

Best,

A handwritten signature in black ink, appearing to read 'KWang', with a stylized flourish at the end.

Kristy Wang
Community Planning Policy Director

NOE NEIGHBORHOOD COUNCIL

Fair Planning for Noe Valley



President Hillis and Members of the Planning Commission:

On behalf of Noe Neighborhood Council (NNC), I am writing to convey our deepest concerns regarding the proposed Process Improvements as introduced by the Planning staff on May 17. While we are supportive of some of the proposed changes such as notifying the occupants of a building instead of just the owner, we are opposed to this proposal for the most part.

- Reducing neighborhood notification period to 20 days is a significant step in removing public from the process. It is hard enough to understand the impact of a project and plan the course of action to address it in 30 days. Reducing this period to ONLY 20 days will seriously undermine public participation in the process.
- Replacing the current packet of notification material with postcards will disadvantage the public. Not everyone has access to computers and even if they do, they don't have the necessary training to navigate through the Planning applications to download the plans.
- Issuing over the counter permits with no neighborhood notifications for pop outs will encourage serial permitting and will conceal the true impact of a project on the surrounding neighbors. In the nearly two years that NNC has been receiving neighborhood notifications, we've yet to see a notice for a pop out by itself and independent of a huge expansion into the rear yard. This change will enable developers to show their massive rear yard expansions to impacted neighbors ONLY partially because they will be able to obtain permits for the last portion of such projects over the counter with no neighborhood notifications.

In a city where developers can submit revisions ad nauseam and ignore the 30-day limit for responding to NOPDRs, which in effect drags projects for years, who does this 10-day reduction in public notification benefit? What is to be gained from eliminating notifications for the most significant of Permitted Obstructions when the anticipated FTE savings will be more than overshadowed by the time spent handling complaints and appeals?

That is why we respectfully request that the Planning Department be directed to provide solid evidence and metrics to prove any benefits to public from these proposed changes. In the meantime, we urge you to reject these changes that are clearly not in the public's interest.

Sincerely,

Ozzie Rohm

For the 300+ members of Noe Neighborhood Council

Bintliff, Jacob (CPC)

From: Grace Gellerman <grace.gellerman@gmail.com>
Sent: Monday, May 28, 2018 5:51 PM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC)
Cc: Secretary, Commissions (CPC)
Subject: Opposition to proposed Process Improvement by Planning Staff

President Hillis and Members of the Planning Commission:

I am writing to convey my deepest concerns regarding the proposed Process Improvement as introduced by the Planning staff on May 17.

While I am very supportive of the Planning Department's objective of improving the planning processes, I am opposed to the proposed changes and disappointed by the total lack of community outreach and unwillingness to elicit or listen to neighborhoods. The recurring theme is the unwillingness to encourage citizen participation and the net result is further erosion of public trust in the Planning Department. Consequently, neighborhoods end up pursuing other options such as approaching Supervisors.

Among the problems with the staff's proposal for Process Improvement I can cite the following issues:

- Reducing neighborhood notification period to 20 days is a significant step in removing public from the process. It is hard enough to understand the impact of a project and plan the course of action to oppose it in 30 days. Reducing this period to ONLY 20 days will seriously undermine public participation in the process.
- Replacing the current packet of notification material with postcards will not serve the public. Not everyone has access to computers and even if they do, they don't have the necessary training to navigate through the Planning applications to download the plans.
- Issuing over-the-counter permits with no neighborhood notifications for pop outs will encourage serial permitting and will conceal the true impact of a project on the surrounding neighbors. Nowadays, pop outs are almost always part of large alteration or demolition projects. This change will enable developers to hide the true scope of their out-of-scale projects from the neighbors because they'd be able to obtain permits for the last portion of such projects over the counter with no notifications to the neighbors. The anticipated 2 FTE savings will be more than overshadowed by the time spent handling complaints and appeals.

That is why I respectfully request that the Planning Department be directed to initiate community outreach before finalizing any proposal for Process Improvement.

Sincerely,

Grace Gellerman
1 Vulcan Stairway
San Francisco, CA 94114

Bintliff, Jacob (CPC)

From: monique passicot <monique.passicot@gmail.com>
Sent: Monday, May 28, 2018 2:59 PM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC); Secretary, Commissions (CPC)
Cc: Gary Weiss
Subject: Opposition to proposed Process Improvement by Planning Staff

President Hillis and Members of the Planning Commission:

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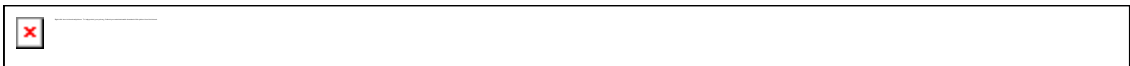
That is why I respectfully request that the Planning Department be directed to initiate community outreach before finalizing any proposal for Process Improvement.

Sincerely,

Monique Passicot

Bintliff, Jacob (CPC)

From: cindy valdes <cvdv03@yahoo.com>
Sent: Monday, May 28, 2018 8:45 AM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC)
Cc: Secretary, Commissions (CPC)
Subject: Opposition to proposed Process Improvement by Planning Staff



President Hillis and Members of the Planning Commission:

I am writing to convey my deepest concerns regarding the proposed Process Improvement as introduced by the Planning staff on May 17.

While I am very supportive of the Planning Department's objective of improving the planning processes, I am opposed to the proposed changes and disappointed by the total lack of community outreach and unwillingness to elicit or listen to neighborhoods. The recurring theme is the unwillingness to encourage citizen participation and the net result is further erosion of public trust in the Planning Department. Consequently, neighborhoods end up pursuing other options such as approaching Supervisors.

Among the problems with the staff's proposal for Process Improvement I can cite the following issues:

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That is why I respectfully request that the Planning Department be directed to initiate community outreach before finalizing any proposal for Process Improvement.

Sincerely,
Cynthia Varas de Valdes

Bintliff, Jacob (CPC)

From: Katherine Zinsser <kjz1917@gmail.com>
Sent: Friday, May 25, 2018 3:39 PM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC); Secretary, Commissions (CPC)
Subject: Proposal for Process Improvements proposed on May May 17th

President Hillis and Members of the Planning Commission:

I am writing to convey my deepest concerns regarding the proposed Process Improvement as introduced by the Planning staff on May 17.

While I am very supportive of the Planning Department's objective of improving the planning processes, I am opposed to the proposed changes and disappointed by the total lack of community outreach and unwillingness to elicit or listen to neighborhoods. The recurring theme is the unwillingness to encourage citizen participation and the net result is further erosion of public trust in the Planning Department. Consequently, neighborhoods end up pursuing other options such as approaching Supervisors.

Among the problems with the staff's proposal for Process Improvement I can cite the following issues:

Reducing neighborhood notification period to 20 days is a significant step in removing public from the process. It is hard enough to understand the impact of a project and plan the course of action to oppose it in 30 days.

Reducing this period to ONLY 20 days will seriously undermine public participation in the process.

Replacing the current packet of notification material with postcards will not serve the public. Not everyone has access to computers and even if they do, they don't have the necessary training to navigate through the Planning applications to download the plans.

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That is why I respectfully request that the Planning Department be directed to initiate community outreach before finalizing any proposal for Process Improvement.

Sincerely,

Katherine Zinsser
40 Ord Street
San Francisco CA 94114

kjz1917@gmail.com

Bintliff, Jacob (CPC)

From: Greg Tarbox <gftbox@gmail.com>
Sent: Friday, May 25, 2018 12:53 PM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneymfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC)
Cc: Secretary, Commissions (CPC)
Subject: Concerns re: Proposed Process Improvement by Planning Staff

President Hillis and Members of the Planning Commission:

I have serious concerns and opposition to the proposed Process Improvement as introduced by the Planning staff on May 17.

I am very supportive of improving the planning processes but **I'm opposed** to these proposed changes. It's very disappointing to witness again the lack of community outreach and unwillingness to elicit or listen to neighborhoods concerns. This continues to destroy the public's trust in the Planning Department and increases the neighborhoods using other options (e.g. engaging Supervisors).

This proposal for Process Improvement is deeply problematic because:

- Reducing neighborhood notification period to 20 days is a significant step in removing public from the process. It is hard enough to understand the impact of a project and plan the course of action to oppose it in 30 days. Reducing this period to ONLY 20 days will seriously undermine public participation in the process.
- Replacing the current packet of notification material with postcards will not serve the public. Not everyone has access to computers and even if they do, they don't have the necessary training to navigate through the Planning applications to download the plans.
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I respectfully and urgently request the Planning Department initiates community outreach **before** finalizing any proposal for Process Improvement.

Respectfully,
Gregory Tarbox

--

415.290.6996 - cell / txt

This e-mail may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify the sender as soon as possible.

Bintliff, Jacob (CPC)

From: Jennifer Creelman <drcreelman@cfdds.com>
Sent: Friday, May 25, 2018 12:35 PM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC); Secretary, Commissions (CPC)
Subject: Opposition to proposed Process Improvement by Planning Staff

President Hillis and Members of the Planning Commission:

I am writing to convey my disappointment regarding the proposed Process Improvement as introduced by the Planning staff on May 17.

Streamlining Planning should not be at the expense of neighborhood input. In addition issuing over-the-counter permits with no neighborhood notifications for pop outs will encourage serial permitting and will conceal the true impact of a project on the surrounding neighbors. Nowadays, pop outs are almost always part of large alteration or demolition projects. This change will enable developers to hide the true scope of their out-of-scale projects from the neighbors because they'd be able to obtain permits for the last portion of such projects over the counter with no notifications to the neighbors. The anticipated 2 FTE savings will be more than overshadowed by the time spent handling complaints and appeals. That is why I respectfully request that the Planning Department be directed to initiate community outreach before finalizing any proposal for Process Improvement.

As someone who is in the middle of appealing my neighbors unpermitted pop-out which currently blocks my light, I can say in earnest that this puts an unnecessary burden on neighbors in the long run.

Sincerely, Jennifer Creelman 145 Corbett Ave

Bintliff, Jacob (CPC)

From: Daniel Grobani <daniel.grobani@gmail.com>
Sent: Friday, May 25, 2018 12:17 PM
To: richhillissf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC)
Cc: Secretary, Commissions (CPC)
Subject: Opposition to proposed Process Improvement by Planning Staff

[Although the words aren't my own, they express my sentiments better than I could. Thanks for considering!]

President Hillis and Members of the Planning Commission:

I am writing to convey my deepest concerns regarding the proposed Process Improvement as introduced by the Planning staff on May 17.

While I am very supportive of the Planning Department's objective of improving the planning processes, I am opposed to the proposed changes and disappointed by the total lack of community outreach and unwillingness to elicit or listen to neighborhoods. The recurring theme is the unwillingness to encourage citizen participation and the net result is further erosion of public trust in the Planning Department. Consequently, neighborhoods end up pursuing other options such as approaching Supervisors.

Among the problems with the staff's proposal for Process Improvement I can cite the following issues:

- Reducing neighborhood notification period to 20 days is a significant step in removing public from the process. It is hard enough to understand the impact of a project and plan the course of action to oppose it in 30 days. Reducing this period to ONLY 20 days will seriously undermine public participation in the process.
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That is why I respectfully request that the Planning Department be directed to initiate community outreach before finalizing any proposal for Process Improvement.

Sincerely,

Daniel Grobani
Caselli Avenue

May 29, 2018

President Rich Hillis
Vice President Myrna Melgar
San Francisco Planning Commission
1650 Mission Street Ste 400
San Francisco, California 94103

Re: Mayor's Process Improvements: June 7, 2018 # 2018-004633PCA

Dear President Hillis, Vice President Melgar and Fellow Commissioners:

It is always good to make things simpler as long as things do not become too simple or become too easy a way in which to reduce the public input into the process.

It is understandable and unfortunate that there is a lot of paper created by all the different notifications....however imagine what might have happened without the 311 Notification with the 11 x 17 plans of the proposed project at 505 Grand View? Or without the 311 Notification with the 11 x 17 plans for the 26th Street flats that were the 50+ year home of Carl Jensen and that were originally an alteration into a very large single family home with a marginal second unit that would never hit the market?

These projects might have slipped by without any of the necessary neighborhood energy that highlighted these projects and then brought them to your attention.

Plans must be available to the onsite occupants and a core of neighbors. They must be 11 x 17 so they can be read, they must clearly show the relationship of the adjacent properties, they must be accurate, they must have a graphic scale and they must be mailed not less than 30 days prior to the expiration date.

Imagine too, if the tenant at 137 Clayton had not opened the notice about the CUA hearing? Apparently she had no clue prior to getting that in the mail...*10 days before the scheduled hearing*. And due to the leeway in the Planning Code, Conditional Use Authorizations that are demolitions, do not require the mailing of plans....just a notice 10 days prior to the hearing for those within the 300 foot radius....this is wrong.

This should be changed for CUAs that involve demolitions. Immediate neighbors and occupants should receive plans prior to the hearing as well as notice of the mandatory CUA hearing....the problem is not the 300 feet radius, but the fact that those neighbors most immediately affected by a CUA demolition are treated the same as someone 300 feet away. And receive less notice than a TTD project which gets a Notice with plans.

Perhaps the 150 feet radius is too great for 11 x 17 plans per Section 311, but certainly a range of close-by neighbors should receive plans. And it should not be just the three behind a property, the two adjacent and the three across the street....it should be an

additional number of lots, as well as the appropriate neighborhood groups, *a core of interested parties*, but not necessarily everyone within 150 feet.

That raises the issue of the Pre Application meeting.

This is a required meeting for certain types of projects per Section 311. Process Improvements could be a good chance to expand the Pre Application meeting and create the opportunity for neighbors to work with Project Sponsor. At the hearing before your Memorial Day break, you heard the project on Golden Gate Avenue, next to the Tenderloin School. Everyone was so happy at the collegial attitude of the the Project Sponsor. More projects could possibly be like this, if there was *required* and *ongoing communication* between the parties, including the Staff Planner. Neighbors who attend a Pre Application meeting need to fill in the required form to show attendance and to verify that the Project Sponsor has met your Pre App requirement. The Project Sponsor should send those neighbors updates on the project and the Staff Planner should email to those neighbors who attended the Pre Application meeting, the documents that should be uploaded to the PIM (Cat Ex, NOPDRs, RDAT memos, etc.)

This type of communication could go a long way to speeding up the process and creating a better outcome. It may even eliminate DRs.

But even if this expanded communication between the time of the Pre App meeting and when the project is ready for Staff approval does or doesn't happen, the final plan revision for the Site Permit, as signed off on by the Staff Planner, needs to be sent in the United States mail....**11 x 17 plans cannot be printed off at home.** And without the plans in the mail, neighbors and activists cannot be involved.

The 20 day period for ALL notifications is much too short. 30 days is best.

And the Pop Out should not be approved Over the Counter.

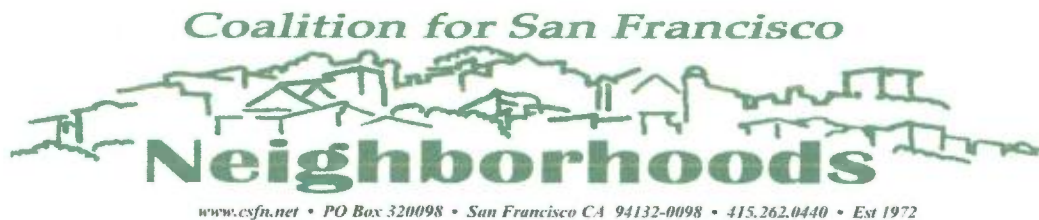
Rear yards are important part of residential housing. Most vertical and horizontal additions into the rear yard *also* include the pop out, usually at both levels. This also involves decks. These are issues that adjacent neighbors should have the opportunity to weight in on. It was not made clear to me at the May 17th hearing how this would be handled by Staff during the review process of this type of project. *The pop out would be automatically approved, while the other part of a project up to the 45% line would be under greater scrutiny?* This is puzzling. Would this lead to some sort of serial permitting? The permit for the additional 200 square feet at the 655 Alvarado Street "**demolition**" was approved OTC, That example alone should be enough *to not* make the pop out OTC.

Thank you for your time and hard work. See you on the 7th of June.

Sincerely,

Georgia Schuttish

cc: Jacob Bintliff; Kate Conner; Elizabeth Watty, Dan Sider



May 24, 2018

Commission President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

2018-004633 PCA

Re: Mayor's Process Improvement Ordinance, scheduled for hearing on June 7, 2018

President Hillis and Commissioners,

The Coalition for San Francisco Neighborhoods appreciates the goal to streamline the planning and approval process as embodied in the Mayor's Process Improvement Ordinance. We are still reviewing the legislation, but certain sections of the legislation stand out as raising concerns for public participation in the planning process - in particular, the proposed changes to the notifications process, including the omission of notifications for the construction of pop-outs and certain other 136(c) items.

- Notifications Process: The changes to the notifications process include but are not limited to eliminating full written notifications, eliminating newspaper notifications, narrowing the radius for certain notifications, and shortening the timeline for residents to respond to notifications. All of these have the potential to disenfranchise local residents, who as a result may not be able to respond on a timely manner. The Coalition for San Francisco Neighborhoods believes that the current notification process should not be pared down as outlined in this legislation, with the exception of adding the notification of occupants. Notifying occupants will facilitate keeping tenants informed of changes to their surrounding buildings. Notification of tenants is an important increase in transparency and should be instituted.
- Pop-outs: We are concerned about the proposal to eliminate the planning review and neighborhood notifications for pop-outs, in the interest of issuing over-the-counter permits for them. Pop-outs can extend out into the yards up to 12 feet and go up to two stories. This kind of building project could have a serious impact on neighbors' uses of and enjoyment of their property, in addition to having an impact from construction such as excavations and installing foundations for these additions. The Coalition for San Francisco Neighborhoods asks that this change be eliminated.
- Other Sec. 136(c) Items: Bases of items such as for flagpoles (136(c)(11)), retaining walls (136(c)(13)), underground garages (136(c)(26)), e.g., can also involve excavation and impact foundations, especially in required side setback areas. These potentially impactful items should be noticed.

We are troubled by the lack of a true community outreach process in formulating this legislation and ask that, before proceeding with this legislation, the Planning Department reach out to the neighborhoods for their input.

Thank you for your consideration.

Sincerely,

George Wooding
President

CC: Board of Supervisors, Clerk of the Board

Bintliff, Jacob (CPC)

From: Secretary, Commissions (CPC)
Sent: Wednesday, May 23, 2018 2:27 PM
To: Bintliff, Jacob (CPC)
Cc: Feliciano, Josephine (CPC)
Subject: FW: 180423 - Mayor's Process Improvements Ordinance

Jonas P. Ionin,
Director of Commission Affairs

Planning Department | City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309 | Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org

From: zrants [<mailto:zrants@gmail.com>]
Sent: Wednesday, May 23, 2018 1:42 PM
To: richhillissf@gmail.com
Cc: Melgar, Myrna (CPC); Fong Rodney; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC); Secretary, Commissions (CPC)
Subject: 180423 - Mayor's Process Improvements Ordinance

May 23, 2018

Commissioners:

Re: 180423 - Mayor's Process Improvements Ordinance

First, Commissioners I want to thank you for your openness and availability to the public through a proven process that allows members of the public to communicate with you as individuals and based on your interests and comments as well as ours.

We value your time and attention to details. We also understand that you are limited in your ability to satisfy many of our concerns.

Legal ordinances such as this, that reduce public information and response times do not help you or us in our efforts to arrive at better solutions, and when incrementally handed down, they feel like a thousand cuts into our rights to Due Process.

Please share our concerns and reiterate what you already mentioned in your reports on this Ordinance. The public objects to any reductions in notice and response times. We are also concerned about altering the manner of notice and cuts to public involvement in the alterations of our neighborhoods. The only change we appreciate is the addition of notice to occupants, as well as property owners. We need to keep the 300-foot limit for the notice as well.

Some pertinent comments that we heard last week, were:

Keep the 30 days to response to the notice. Removing 10 days of public notice has no effect on the entitlement process that takes months to complete on projects that may not be built for years once they receive their entitlement. Producing entitlements is not the goal.

Production is the goal. Faster production Keep the 30 days to response to the notice. can be more easily realized by placing a time limit on the entitled properties. This would assure faster production of the buildings once they are entitled and probably dampen the speculative aftermarket in entitlements that is escalating property values. This is the kind of legislation we need to consider.

As far as the process changes in noticing are concerned, there be no reduction is the manner or type of information that is currently being sent out. The postcard with internet links will not work for everyone, and as some of you noted, it is very difficult to look at plans on a screen, and not all computers are equally adept at accessing or displaying information.

We need transparency, not less. The process needs to remain as it is now. Changing it will only confuse people and lead to less trust in the system. The only change we like is the inclusion of occupants in addition to owners of properties within 300 feet of proposed projects.

There was also some discussion about putting larger 30" x 30" notices on the effected building in a bolder, more obvious graphics that could include a site map illustrating proposed alterations.

Sincerely,

Mari Eliza, concerned San Francisco resident

cc: the Board of Supervisors.



GAST ARCHITECTS

355 11th STREET, SUITE 300, SAN FRANCISCO, CA 94103

T 415.885.2946 F 415.885.2808 WWW.GASTARCHITECTS.COM

May 22, 2018

S. F. Planning Commissioners
c/o Jonas Ionin, Commission Secretary
1650 Mission Street, 4th Floor
San Francisco, CA 94103

VIA EMAIL: Jonas.Ionin@SFGov.org

Re: Process Improvements, 2018-004633PCA

Dear Commissioners:

I have lived in San Francisco for close to fifty years, raised my children here, and practiced architect with my own firm in the City for four decades. In that time, I have experienced an exponential growth in the complexity, costliness and the time it takes to gain approval for the renovation or construction of the single family homes and small multifamily units that we specialize in. No other jurisdiction we have worked in comes close to approaching S.F. in this regard.

Your policies espouse that it is important to keep families in the City, and to house a diversity of people at all income levels. Yet, the uncertainties due to the complexities and contradictions of the codes and guidelines you enforce, and the costs and the extraordinary length of time it takes to obtain even minor changes to the exterior envelope of buildings, or obtain permission to build new buildings, defeat your stated policy goals. A change to the envelope of a single family residence routinely takes from a year to a year and a half to get through Zoning, the Residential Design Advisory Team, and CEQA review – and that is often just Planning's review, not the issuance of a permit. Then, if a Variance or Conditional Use or Discretionary Review is required, add in another half year.

In the last few years, we've experienced all too many clients abandoning projects as the approvals take too long, are capricious, and are overly costly – if you want to keep families, , workers, civil servants, and a diverse population living in the City, you need to allow residents to modify and create new homes in a timely and less costly manner.

I strongly support the following process changes, which daily impact my practice, and my clients' lives:

- Modifications to the Notification Process to make them uniform across the different types of approval, and make the process speedier.
- Making rear yard pop-outs in Section 136.c.25 approvable over-the-counter.
- Allowing minor changes to historic buildings under chapters 10 & 11 without obtaining a Certificate of Appropriateness.

In meetings of the AIA SF Public Policy and Advocacy Committee, of which I am a member, with Jeff Joslin and Elizabeth Watty's Current Planning Division staff, significant progress has been made in identifying procedures and regulations that are not working as intended, and modifying them. We hope to be able to continue this process with your staff and you as Commission members.

The process changes before you, although small steps, help improve a system that mystify residents and their consultants, and gobble up your own staffs' time that would be better spent on more crucial matters. My compliments to the Mayor's Office, and your staff for putting them forward. They deserve your support.

Sincerely,

David S. Gast

David S. Gast, AIA, LEED AP
Founding Principal

Russian Hill Community Association

1166 Green St. San Francisco, CA 94109 510-928-8243 rhcasf.com

May 23, 2018

President Rich Hillis and
San Francisco Planning Commissioners
Commissions.secretary@sfgov.org

Re: Planning Department Process Improvement Plans – May 17, 2018 Presentation to Commission

Dear President Hillis and Planning Commissioners:

While we can't help but applaud the Planning Department's objective of improving the whole Planning Process, we are disheartened by their approach.

The total lack of community outreach, the unwillingness to elicit or listen to neighborhood concerns and questions and the inability to recognize and appreciate the contributions that those of us who reside in this City are able to make – this is a pattern that has been repeated over and over again. The May 17th Presentation was another example of the Planning Department's unwillingness to encourage citizen participation.

The net result of the Planning Department's approach is to establish an adversarial relationship.

While this may not have been the intent, it is the result.

Neighborhoods have no other alternative but to go on the offense with the Board of Supervisors.

And as unfortunate as the Planning Department's approach is, several of the specific proposals reinforce the disregard Planning demonstrates with the community.

- Reducing neighborhood Notification periods from 30 to 20 days is a significant hardship for neighborhood leaders who are responsible for outreach in their communities.
- Over the counter pop-up approvals, with no notifications, can have a disruptive affect on a neighborhood. (The anticipated 2 FTE savings will be more than overshadowed by the time spent handling complaints and appeals.)

The Process Improvement Plan deserves more community review and input.

We respectfully request that the Planning Department be directed to initiate community outreach before this proposal is referred to the Board of Supervisors.

Thank you for your consideration,

Kathleen Courtney

Kathleen Courtney
Chair, Housing & Zoning
kcourtney@rhcasf.com
510-928-8243

Cc: Commissioners Myrna Melgar, Rodney Fong, Milicent A. Johnson, Joel Koppel, Kathrin Moore, Dennis Richards, Jamie Cherry and Jeff Cheney RHCA

Bintliff, Jacob (CPC)

From: Secretary, Commissions (CPC)
Sent: Wednesday, May 16, 2018 3:50 PM
To: Bintliff, Jacob (CPC)
Cc: Feliciano, Josephine (CPC)
Subject: FW: 2018-004633PCA - Mayor's Process Improvements Ordinance

Jonas P. Ionin,
Director of Commission Affairs

Planning Department | City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309 | Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org

From: Elizabeth Fromer [<mailto:efromer3@gmail.com>]
Sent: Wednesday, May 16, 2018 3:34 PM
To: richhillissf@yahoo.com; Rodney Fong; Richards, Dennis (CPC); Moore, Kathrin (CPC); joel.joppel@sfgov.org; Johnson, Milicent (CPC); Melgar, Myrna (CPC)
Cc: Secretary, Commissions (CPC)
Subject: 2018-004633PCA - Mayor's Process Improvements Ordinance

President Hillis and Planning Commissioners,

I'm writing to express my alarm and concern about the proposed Process Improvements that will be presented at the Informational on May 17th.

Reducing neighborhood notification time from 30 to 20 days does not improve planning for our neighborhoods. Neither do Discretionary Review staff reductions and "reforms," or over-the-counter permits for rear yard expansions that can include up to two floors and extend 12 feet into back yards.

All of these "improvements" significantly harm the ability of residents to become adequately informed or take appropriate action about nearby projects. In short, it takes away real community control. The recent outcry over Senate Bill 827 and its attack on local planning and zoning controls is a recent reminder that neighborhood residents are not willing to accept these undemocratic actions.

The public must be heard in neighborhood projects, and engage with Planning about projects next door and policies that affect all of us citywide. Good city planning must be a two-way process. Neighborhood communities know best what projects may or may not work well to maintain good quality of life. Neighbors have a right to negotiate for better outcomes if a project next door will adversely affect them. And San Francisco residents should be able to help determine how our city changes, not just developers and speculators.

Please reconsider any changes that limit or make public engagement more difficult.

Sincerely,

Dr. Lisa Fromer
President
Liberty Hill Neighborhood Association (LHNA)

Letter No. 1

May 12, 2018

Dear President Hillis, Vice President Melgar and fellow Commissioners:

Here are some comments on the Mayor's proposal regarding Section 311:

1. A post card is too small and will get lost in the mail or overlooked by the addressee.
2. It is very difficult to download plans in a size that is easily readable. Even the current 11 x 17 plans can be difficult to read and are often incomplete not detailing the relationship of adjacent properties. This is a critical part of the process....for neighbors to see the plans whether they like the project or don't like the project. The current cover sheet for the Section 311 Notification often does not contain a complete description of the proposal and is often confusing to people unfamiliar with the planning process. But that does not mean that it should be eliminated, or reduced to fit on the back of a postcard....rather it should be improved.
3. There are in reality very few DRs, per your own staff, filed after a 311 Notification.
4. There is no mention of the notification of the Pre App meeting. This process should be *expanded*. There should be less of a time lag with the Staff, Project Sponsor and Neighbors between the required Pre App meeting and the current 311 Notification. There should be a second notification once the permits are filed.
5. All Notifications should *at least* be in a letter sized envelope with the orange words, **"PLANNING DEPARTMENT"** in the return address and the window for the addressee like the current mailings for Variances, Notices of DR Hearings, etc.
6. Plans should at least be made available to the immediate neighbors and two to three lots beyond for alterations and demolitions, particularly if they have attended pre app or follow up meetings. These neighbors should know when a Planner has been assigned, not learn 20 days (shortened from the current 30) before approval.
7. This new process could encourage serial permitting by allowing the OTC of the "pop out". It is rare for an alteration or new construction to not include both an expansion into the rear yard as well as the pop out in the RH zoned districts.
8. A high percentage of Section 311 Notifications are for purely speculative projects that do not add to the housing stock or are projects that do not protect the relative affordability of housing. This is an objective standard that needs notification.

These are just some immediate, off the top of my head reactions to the Mayor's proposal. I will probably think of some more between now and Thursday. Thanks.