



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change INFORMATIONAL HEARING DATE: MAY 17, 2018

Date: May 10, 2018
Project Name: **Mayor's Process Improvements Ordinance**
Case Number: 2018-004633PCA, [Board File No. 180423]
Initiated by: Mayor Farrell / Introduced April 24, 2018
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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 historical landmarks and 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 C, 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

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 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 and posted 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 not have a required size, but would have a **required minimum size of 4-1/4 x 6 inches in size** (a standard postcard).
- **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**, including links to digital copies of plan sets when applicable, 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 improvements conform to the requirements outlined 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 could be approved at the Planning Information Center counter, rather than being added to the permit review queue.

2. Section 1111.1 of the Planning Code would be amended to classify the following scopes of work as Minor Alterations, provided that the improvements conform to the requirements outlined 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, provided that the Commission delegates its approval authority for such permits to the Planning Department, could be approved at the Planning Information Center counter, 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 current allowed for in Section 315. The structure of Section 315 limits the Department's ability to fulfill the intent of the Section, to 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 if continued, 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.

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

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

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 of 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 approved at the Planning Information Center counter must instead be routed to a 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 a Certificate of Appropriateness or Permit to Alter under Section 1005 and 1111 of the Planning Code cannot currently be approved administratively by Planning Department staff at the Planning Information Center counter, but must either be approved by the Historic Preservation Commission or be held for 20 days by the Department prior to review if Historic Preservation Commission approval is not required. This 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 "over the counter," the project approval is delayed by three to four months on average.

IMPLEMENTATION

The proposed Ordinance would significantly simplify and streamline current implementation procedures, while continuing to enable 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.

REQUIRED COMMISSION ACTION

None. This is an informational report.

Attachments:

- Exhibit A: Legislative Digest for Proposed Ordinance
Exhibit B: Proposed Ordinance [Board File No. 180423]
Exhibit C: Summary Table of Current Notification Requirements

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 (Downtown Commercial) 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; 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.

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.

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 300 feet when 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.

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 additional scopes of work that are considered Minor Alterations 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.

BOARD of SUPERVISORS



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May 2, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 24, 2018, Mayor Farrell introduced the following legislation:

File No. 180423

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 (Downtown Commercial) 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; 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.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Laura Lynch, Environmental Planning
Joy Navarrete, Environmental Planning

[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 (Downtown Commercial) 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; 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.
24
25

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.

14
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.
25

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(e). 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 (e) 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 **SEC 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.**

1 * * * *

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

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

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

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

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

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

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

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

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

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

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

17 * * * *

18 19 **SEC. 302. PLANNING CODE AMENDMENTS.**

20 (a) **General.** Whenever the public necessity, convenience and general welfare
21 require, the Board of Supervisors may, by ordinance, amend any part of this Code. Such
22 amendments may include reclassifications of property (changes in the Zoning Map), changes
23 in the text of the Code, or establishment, abolition or modification of a setback line. The
24 procedures for amendments to the Planning Code shall be as specified in this Section and in
25 Sections 306 through 306.6, and in Section 333.

1 * * * *

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

14
15 **SEC. 303. CONDITIONAL USES.**

16 * * * *

17 (f) **Conditional Use Abatement.** The Planning Commission may consider the
18 possible revocation of a Conditional Use or the possible modification of or placement of
19 additional conditions on a Conditional Use when the Planning Commission determines, based
20 upon substantial evidence, that the applicant for the Conditional Use had submitted false or
21 misleading information in the application process that could have reasonably had a substantial
22 effect upon the decision of the Commission or the Conditional Use is not in compliance with a
23 Condition of Approval, is in violation of law if the violation is within the subject matter
24 jurisdiction of the Planning Commission, or operates in such a manner as to create
25 hazardous, noxious, or offensive conditions enumerated in Section 202(c) if the violation is

1 within the subject matter jurisdiction of the Planning Commission and these circumstances
2 have not been abated through administrative action of the Director, the Zoning Administrator
3 or other City authority. Such consideration shall be the subject of a public hearing before the
4 Planning Commission but no fee shall be required of the applicant or the subject Conditional
5 Use operator.

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

15 (2) **Notification.** The notice for the public hearing on a Conditional Use
16 abatement shall be subject to the notification procedure described in Sections 306.3 and 306.8
17 333 of this Code. ~~except that notice to the property owner and the operator of the subject~~
18 ~~establishment or use shall be mailed by regular and certified mail.~~

19 * * * *

20 **SEC 303.1 FORMULA RETAIL USES.**

21 * * * *

22 (g) **Neighborhood Notification and Design Review.** Any application for a Formula
23 Retail use as defined in this section shall be subject to the notification and review procedures
24 of ~~subsections 312(d) and (e)~~ Section 333 of this Code. ~~A Conditional Use hearing on an application~~
25 ~~for a Formula Retail use may not be held less than 30 calendar days after the date of mailed notice.~~

* * * *

SEC. 305.1 REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL USES.

* * * *

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

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

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

* * * *

SEC 306.3. NOTICE OF HEARINGS.

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

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

~~(2) By mail, except in the case of proposed amendments to change the text of the Code, not less than 20 days prior to the date of the hearing to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of such area, using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in~~

the Office of the Tax Collector. 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 such action;

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

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

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

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

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

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

_____ (3) In the case of amending the General Plan, notice shall be given by an advertisement at least once in a newspaper of general circulation in the City not less than 20 days prior to the hearing. The advertisement shall contain the time and place of the hearing and a description of 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

1 Conditional Use or Variance which proposes a Commercial Use for the subject property shall disclose
2 the name under which business will be, or is expected to be, conducted at the subject property, as
3 disclosed in the permit application pursuant to Section 306.1(c), if the business name is known at the
4 time notice is given. If the business name becomes known to the applicant during the notice period, the
5 applicant promptly shall amend the notice to disclose such business name and the Department shall
6 disseminate all the various required hearing notices again with the disclosed name and allow the
7 prescribed time between the date of the notice and the date of the hearing.

8 9 **SEC 306.7. INTERIM ZONING CONTROLS.**

10 * * * *

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

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

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

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

22 (4) By mail, if the area is 30 acres or less, exclusive of streets, alleys, and other public property,
23 sent at least 10 days prior to the date of the hearing, to the owners of real property within the area that
24 is the subject of the proposed interim zoning controls and within 300 feet of the exterior boundaries of
25 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 apply to hearings before the Planning Commission or the Zoning Administrator (1) on an application for a conditional use or variance, (2) for every amendment to reclassify property

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

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

(1) It shall be posted inside of windows which are no more than six feet back from the property line, where the windows are of sufficient size to accommodate the sign. The bottom of the sign shall be no lower than four feet above grade and the top of the sign shall be no higher than eight feet six inches above grade. The sign shall not be obstructed by awnings, landscaping, or other impediment and shall be clearly visible from a public street, alley or sidewalk.

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

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

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

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

22 ~~Every person subject to the requirements of this Section shall obtain from the Planning~~
23 ~~Department the sign on submission of application which is to be posted, and shall provide such~~
24 ~~additional information on the sign as required by this Section and any written directions provided by~~
25 ~~the Zoning Administrator; provided, however, that where the Zoning Administrator requires a sign~~

1 larger than 30 by 30 inches, the applicant shall provide the sign. The Department shall charge a fee to
2 applicants in an amount determined appropriate to cover the cost of providing the sign.

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

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

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

8 (iii) An arrow indicating north.

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

23 **(ed) Declaration Required; Failure to Comply.** The applicant, other than an
24 applicant for a reclassification, shall submit at the time of the hearing a declaration signed
25 under penalty of perjury stating that the applicant has complied with the provisions of this

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

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

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

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

2 * * * *

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

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

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

18
19 ~~**SEC. 306.10. MULTIPLE LANGUAGE REQUIREMENT FOR NOTICES.**~~

20 ~~(a) **Applicability.** In addition to the notice requirements set forth elsewhere in this~~
21 ~~Code, the requirements of this section shall apply to the mailed notices that are required by the~~
22 ~~following sections of the Planning Code: Sections 202.5(e)(3), 304.5(d), 306.3, 306.7(g), 306.9(c),~~
23 ~~309(e) through 309(h), 311, 312, 313.4(b), 314.4(a), 330.7, and any other section of the Planning Code~~
24 ~~that requires a notice to be mailed or personally served to property owners or occupants adjacent to or~~
25 ~~near a property for which Planning Department development approval is sought.~~

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

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

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

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

17 ~~—— "The attached notice is provided under the Planning Code. It concerns property located at the~~
18 ~~address shown on the attached notice. A hearing may occur, a right to request review may expire or a~~
19 ~~development approval may become final unless appealed within [insert days until a hearing or~~
20 ~~deadline for requesting review or appealing decision]. To obtain information about this notice in~~
21 ~~[insert name of language], please call [insert Dedicated Telephone Number]. Please be advised that~~
22 ~~the Planning Department will require at least one business day to respond to any call. Provision of~~
23 ~~information in [insert name of language] is provided as a service by the Planning Department and does~~
24 ~~not grant any additional rights or extend any time limits provided by applicable law."~~

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

7 **SEC. 311. ~~RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO~~**
8 **~~DISTRICTS.~~**

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

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

1 of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review
2 requirements of this Section 311.

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

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

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

18 (21) **Alterations.** For the purposes of this Section, an alteration ~~in RH and RM~~
19 ~~Districts~~ shall be defined as an increase to the exterior dimensions of a building except those features
20 ~~listed in Section 136(c)(1) through 136(c)(26) in districts where those sections apply. any change in~~
21 ~~use, In addition, an alteration in RH, RM, and RTO Districts shall also include the~~ removal of more
22 than 75 percent of a residential building's existing interior wall framing or the removal of more
23 than 75 percent of the area of the existing framing, ~~or an increase to the exterior dimensions of a~~
24 ~~residential building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26).~~
25 ~~Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child~~

1 ~~Care Facility, as defined in Section 102, shall not be subject to the notification requirements of this~~
2 ~~Section 311.~~

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

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

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

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

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

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

24 (A) **The demolition of any building, including but not limited to historically and**
25 **architecturally important buildings, may be approved administratively when the Director of the**

1 Department of Building Inspection, the Chief of the Bureau of Fire Prevention and Investigation, or the
2 Director of Public Works determines, after consultation with the Zoning Administrator, that an
3 imminent safety hazard exists, and the Director of the Department of Building Inspection determines
4 that demolition or extensive alteration of the structure is the only feasible means to secure the public
5 safety.

6 (2d) **Notification.** Upon determination that an application is in compliance with the
7 development standards of the Planning Code, the Planning Department shall provide ~~cause a~~
8 notice of the proposed project pursuant to the requirements of Section 333 of this Code. ~~to be posted~~
9 ~~on the site pursuant to rules established by the Zoning Administrator and shall cause a written notice~~
10 ~~describing the proposed project to be sent in the manner described below. This notice shall be in~~
11 ~~addition to any notices required by the Building Code and shall have a format and content determined~~
12 ~~by the Zoning Administrator. It shall include a description of the proposal compared to any existing~~
13 ~~improvements on the site with dimensions of the basic features, elevations and site plan of the proposed~~
14 ~~project including the position of any adjacent buildings, exterior dimensions and finishes, and a~~
15 ~~graphic reference scale. The notice shall describe the project review process and shall set forth the~~
16 ~~mailing date of the notice and the expiration date of the notification period.~~

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

23 ~~(4) The notification area shall be all properties within 150 feet of the subject lot in the same~~
24 ~~Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot,~~

1 ~~the notification area shall further include all property on both block faces across from the subject lot,~~
2 ~~and the corner property diagonally across the street.~~

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

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

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

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

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

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

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 (cd)(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(cd) 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 (e), “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:*
25

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 and/or other codes. One poster
10 shall be required for each full 25 feet of each street frontage of the subject property. For example, 2
11 posters would be required for a 50 foot street frontage; 3 posters would be required for either a 75 foot
12 frontage or a 99 foot frontage. Multiple posters shall be spread along the subject street frontage as
13 regularly as possible. All required posters shall be placed as near to the street frontage of the property
14 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. When State law requires notice to be
6 mailed to owners of property located within 300 feet of the subject property, such notice shall be
7 mailed to owners and occupants in the same manner set forth in this section.

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.** When newspaper notice is required by State law, the City shall
16 provide newspaper notice by publication at least once in a newspaper of general circulation in the City
17 not less than 20 calendar days prior to the date of the hearing.

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

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

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

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

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

8 ~~—— (4) For buildings located in historic districts: by mail not less than 20 days prior to the~~
9 ~~date of the hearing to all owners and occupants of the subject property, all owners of properties within~~
10 ~~300 feet of the subject property, and all occupants of properties within 150 feet of the subject property.~~

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

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

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

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

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

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

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

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

- 12 ~~_____ (1) By mail not less than 10 days prior to the date of the hearing to the applicant, all~~
- 13 ~~owners within 150 feet of the subject property, as well as to any other interested parties who so request~~
- 14 ~~in writing to the Department; and~~
- 15 ~~_____ (2) By posted notice on the site not less than 10 days prior to the date of the hearing.~~
- 16

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

18 and 1111.2 to read as follows:

19

20 **SEC. 1005. CONFORMITY AND PERMITS**

21 * * * *

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

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

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

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

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

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

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

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

23 (4) When the application is for a permit to maintain, repair, rehabilitate, or
24 improve streets and sidewalks, including sidewalk widening, accessibility, and bulb-outs,
25

1 unless such streets and sidewalks have been explicitly called out in a landmark's or district's
2 designating ordinance as character defining features of the landmark or district;

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

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

9 (7) When the application is for a permit to install non-visible rooftop appurtenances to
10 a landmark or district, provided that the improvements conform to the requirements outlined in Section
11 1006.6; or

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

14 (9) When the application is for a permit to install a City-sponsored Landmark plaque to
15 a landmark or district, provided that the improvements conform to the requirements outlined in Section
16 1006.6 of this Code.

17 * * * *

19 **SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

20 (a) The HPC shall determine if a proposed alteration is a Major Alteration or a
21 Minor Alteration and may delegate review of proposed Minor Alterations to Department staff,
22 whose decisions may be appealed to the HPC pursuant to subsection 1111.1(b). All work not
23 determined to be a Minor Alteration shall be a Major Alteration and subject to HPC approval. If
24 so delegated to Department staff, the categories of Minor Alteration shall include but are not
25 limited to the following:

1 (1) Alterations whose sole purpose and effect is to comply with the UMB
2 Seismic Retrofit Ordinances and that comply with the UMB Retrofit Architectural Design
3 Guidelines, which guidelines shall be adopted by the HPC; ~~and~~

4 (2) Any other work so delegated to the Department by the HPC;

5 (3) When the application is for a permit to make improvements to provide an
6 accessible entrance to a Significant or Contributory building or any building within a Conservation
7 District, provided that the improvements conform to the requirements outlined in Section 1111.6
8 hereof;

9 (4) When the application is for a permit to install business signs to a Significant
10 or Contributory building or any building within a Conservation District, provided that such signage
11 and transparency conform to the requirements outlined in Section 1111.6 hereof; and

12 (5) When the application is for a permit to install non-visible rooftop
13 appurtenances to a Significant or Contributory building or any building within a Conservation District,
14 provided that the improvements conform to the requirements outlined in Section 1006.6 of this Code.

15 * * * *

16
17 **SEC. 1111.2. SIGN PERMITS.**

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

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

22 (c) In addition to the requirements of Article 6, an application for a business sign,
23 general advertising sign, identifying sign, or nameplate to be located on a Significant or
24 Contributory Building or any building in a Conservation District shall be subject to review ~~by the~~
25 ~~HPC~~ pursuant to the provisions of this Article. The HPC, or the Planning Department pursuant to

1 Section 1111.1 of this Code, shall disapprove the application or approve it with modifications to
2 conform to the requirements outlined in Section 1111.6 of this Code, including if the proposed
3 location, materials, typeset, size of lettering, means of illumination, method of replacement, or
4 the attachment ~~would adversely affect~~ so that the special architectural, historical or aesthetic
5 significance of the subject building or the Conservation District are preserved. No application
6 shall be denied on the basis of the content of the sign.

7
8 Section 6. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

21
22 By:


KATE H. STACY
Deputy City Attorney

23
24 n:\legana\as2018\1800565\01270677.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					