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Executive Summary
Planning Code Text Change
HEARING DATE: MAY 16, 2018
90 DAY DEADLINE: JULY 31, 2018

Date:	May 9, 2018
Project Name:	**Mayor's Process Improvements Ordinance**
Case Number:	2018-004633PCA, [Board File No. 180423]
Initiated by:	Mayor Farrell / Introduced April 24, 2018
Staff Contact:	Jacob Bintliff, Senior Planner jacob.bintliff@sfgov.org , 415-575-9170
Reviewed by:	Kate Conner, Principal Planner kate.conner@sfgov.org, 415-575-6914
Recommendation:	**Recommend Approval**

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 downtown projects in 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 sect forth in Planning Code Section 328, which provides for a Planning Commission design review hearing, but Bonus Projects are not required to seek conditional use authorization. The Planning Commission does not hear separate Discretionary Review requests for Bonus Projects.

3. Planning Code Section 309 establishes review procedures for projects located in C-3 districts, which allows for certain exceptions to Planning Code requirements. These exceptions may be granted by the Planning Commission for projects of greater than 50,000 gross square feet or more than 75 feet in height, or administratively for smaller projects. For most projects in C-3 districts, a Planning Commission hearing is required due to the scale of the project.

B. Notification Requirements and Procedures

1. Planning Code Section 311 establishes notification requirements for certain Building Permit Applications under Planning Department review in Residential districts, including for limited horizontal additions in the rear yard permitted under Section 136(c)(25). Section 312 establishes notification requirements for certain Building Permit Applications in Neighborhood Commercial, Eastern Neighborhoods Mixed Use Districts, and for Cannabis Retail and Medical Cannabis Dispensaries.

2. Public hearings of the Planning Commission, Historic Preservation Commission, and Zoning Administrator also require public notification as set forth in Planning Code Sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 317, 329, 330.7, 1006.3, and 1111.4. In all, the various requirements set forth in the Planning Code mean there are over 30 unique sets of notification requirements that the Planning Department is responsible for implementing as a part of project review.

3. The various current requirements are summarized in the table attached here as Exhibit D, and a general description of the primary forms of notice is provided here:

   Mailed notice: refers to notice of Planning Department review or public hearings and paper 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, 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 continue to 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 residential 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 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 w still be required to be placed as near to the street frontage of the property 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 require 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 shall be **no smaller than 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 shall 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 17-02[1] 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 Plan[2] 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 or Historic Preservation 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

[1] http://sfmayor.org/article/executive-directive-17-02

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

affordable housing projects.

3. In addition to the Planning Commission review required in Section 309 for large projects in, residential projects in C-3 districts 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 these requirements with high-rise downtown projects. 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 those 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 ad costs in 2017, while the notification provided through this requirement is only available to individuals who pick up a copy of one specific publication on 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.

RECOMMENDATION

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

BASIS FOR RECOMMENDATION

The Department is strongly supportive of the proposed Ordinance as it will implement several of the proposed measures contained in the Department's Process Improvements Plan issued in December, 2017. Overall, these amendments would simplify and speed the approval of 100% affordable housing projects and large residential projects in downtown C-3 districts; significantly reduce the staff time, resources, and project delays that result from current notification requirements, while significantly expanding access to these notification materials; and reduce the Department's permit review backlog and free up associated staff time by allowing for certain minor and routine scopes of work to be approved at the Planning Information Center counter.

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

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

Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.

2. For projects seeking the 100% Affordable Housing Bonus, the Ordinance would replace the Planning Commission review process required under Section 328 with a specific administrative review process for these projects in the new Section 315.1. This amendment strikes an appropriate balance between the need for expedited review of affordable housing projects and the sensitivity to these larger-than-permitted Bonus Projects by providing an administrative approval path for eligible projects that limits Planning Code exceptions to those specifically created for such bonus projects in Section 206.4. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.

3. For large downtown projects subject to Section 309 review, the Ordinance would remove an additional layer of review for most projects by eliminating the need for a Variance in most cases. The Ordinance would reduce the time and procedural steps needed for Planning Department staff to complete project review, without leading to a significant change in the planning review outcome for such projects, as these Variances from dwelling unit exposure and useable open space requirements are routinely granted to accommodate the construction of high-rise residential developments in C-3 districts.

B. Notification Requirements and Procedures

1. The proposed Ordinance would establish a new Planning Code section 333 that establishes **uniform and consistent notification requirements** for all Building Permit Applications and public hearings that require notification. This consolidation will **save staff time**, reduce the likelihood of errors in implementing notification requirements, and **reduce delays** in project review and approval.

2. The new Section 333 would **significantly expand public access to public notification**, while also reducing waste and cost. Specifically, the proposed Ordinance would expand mailed notice requirements to include **tenants** within the notification area in all cases, apply **multilingual translation service** requirements to all forms of public notification, and place notification materials and plan sets **online** for the first time. The new online posting requirement, in particular, will make the required notification materials accessible to the general public for the entire notification period.

3. The proposed Ordinance would amend Section 311 to allow for the limited rear yard addition permitted under Section 136(c)(25) to be approved at the Planning Information

Counter, which would **significantly reduce the permit volume under review by planners**. The Department estimates that allowing these projects alone to be approved "over the counter" would save roughly two full time equivalents (FTE) of staff time that could be spent on review of priority housing projects.

C. Minor Alterations to Historic Buildings

1. The proposed Ordinance would allow for permits for minor and routine scopes of work that currently require a Certificate of Appropriateness or Permit to Alter under Section 1005 and 1111 of the Planning Code to be approved administratively by Planning Department staff at the Planning Information Center counter, provided the projects confirm to the relevant guidelines and standards in Planning Code sections 1006.6 and 1111.6.

2. The Department estimates this would reduce the permit review case load for Preservation planners by roughly one-third on an annual basis, allowing staff to focus more time on priority housing projects and other Preservation planning work. In addition, the project approval timeframe for these minor and routine scopes of work would be reduced from three to four months on average to a same-day approval.

REQUIRED COMMISSION ACTION

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

IMPLEMENTATION

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

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments about this Ordinance.

RECOMMENDATION:	**Recommendation of Approval**

Attachments:

Exhibit A: Draft Historic Preservation Commission Resolution for BF No. 180423

Exhibit B: Legislative Digest for Proposed Ordinance

Exhibit C: Proposed Ordinance [Board File No. 180423]

Exhibit D: Summary Table of Current Notification Requirements

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Historic Preservation Commission
Draft Resolution
HEARING DATE MAY 16, 2018

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

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

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

WHEREAS, the Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 16, 2018; and

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

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

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

WHEREAS, the Historic Preservation Commission has reviewed the proposed Ordinance; and

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

MOVED, that the Historic Preservation Commission hereby **approves** the proposed Ordinance.

FINDINGS

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

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

2. The proposed amendments to delete Section 328 and establish a new Section 315.1 of the Planning Code would streamline the review process for 100% Affordable Housing Bonus project, and strike an appropriate balance between the need for expedited review of affordable housing projects and the sensitivity to these larger-than-permitted Bonus Projects by providing an administrative approval path for eligible projects that limits Planning Code exceptions to those specifically created for such bonus projects in Section 206.4. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.

3. The proposed amendments to Section 309 of the Planning Code would remove an additional layer of review for most large residential projects in the downtown C-3 districts by eliminating the need for a Variance in most cases. The Ordinance would reduce the time and procedural steps needed for Planning Department staff to complete project review, without leading to a significant change in the planning review outcome for such projects, as these Variances from dwelling unit exposure and useable open space requirements are routinely granted to accommodate the construction of high-rise residential developments in C-3 districts.

4. The proposed amendments to consolidate Section 311 and 312 into a single Section 311, establish a new Section 333, and delete or amend, as appropriate, various other Planning Code sections to reference the same, would establish uniform and consistent notification requirements for all Building Permit Applications and public hearings that require notification. This consolidation will save staff time, reduce the likelihood of errors in implementing notification requirements, and reduce delays in project review and approval.

5. The proposed amendments to establish a new Section 333 would significantly expand public access to public notification, while also reducing waste and cost. Specifically, the proposed Ordinance would expand mailed notice requirements to include tenants within the notification area in all cases, apply multilingual translation service requirements to all forms of public notification, and place notification materials and plan sets online for the first time. The new online posting requirement, in particular, will make the required notification materials accessible to the general public for the entire notification period, and serve the purpose and intent of the current newspaper notification requirement to greater effect and at significantly lower cost. The format and content requirements of the new Section 333 would reduce wasted paper and cost that result from current notification requirements.

6. The proposed amendments to Section 311 to allow for the limited rear yard addition permitted under Section 136(c)(25) to be approved at the Planning Information Counter, which would significantly reduce the permit volume under review by planners. The Department estimates that allowing these projects alone to be approved "over the counter" would save roughly two full time equivalents (FTE) of staff time that could be spent on review of priority housing projects.

7. The proposed amendments to Section 1005 and 1111 to allow for permits for minor and routine scopes of work that currently require a Certificate of Appropriateness or Permit to Alter under Section 1005 and 1111 of the Planning Code to be approved administratively by Planning Department staff at the Planning Information Center counter, provided the projects confirm to the relevant guidelines and standards in Planning Code sections 1006.6 and 1111.6 is estimated to reduce the permit review case load for Preservation planners by roughly one-third on an annual basis, allowing staff to focus more time on priority housing projects and other Preservation

planning work. In addition, the project approval timeframe for these minor and routine scopes of work would be reduced from three to four months on average to a same-day approval.

8. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 8
BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE, AND MAINTAIN AFFORDABLE HOUSING

Policy 71
Planning staff shall support affordable housing projects in the development review process, including allowing sponsors of permanently affordable housing to take full advantage of allowable densities provided their projects are consistent with neighborhood character.

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

OBJECTIVE 10
ENSURE A STREAMLINED, YET THOROUGH AND TRANSPARENT DECISION-MAKING PROCESS

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

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

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

      The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail. The proposed Ordinance will likely support neighborhood-serving retail establishments when those establishments are located in an historic landmark building or in a conservation district by

allowing such business to seek administrative same-day approval of minor alterations to install business signage or automatic door operators. The proposed Ordinance would support neighborhood-serving retail generally by streamlining and modernizing the notification requirements applicable to commercial establishments in Section 312/new Section 311 by reducing the risk of delays due to minor errors in implementing these requirements.

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Commission hereby DELEGATES the Commission's authority to review applications for such Minor Alterations as defined in Section 1111.1, as amended, to Planning Department staff; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 16, 2018

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

FILE NO. 180423

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.

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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

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.

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

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

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

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

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

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

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

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

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

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

SEC. 206.4. THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM.

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) **Implementation**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * *

SEC. 315. AFFORDABLE HOUSING PROJECT AUTHORIZATION.

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

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

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

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

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

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

(c) **Review Process.**

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

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

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

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

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

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

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

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

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

SEC. 315.1 100 PERCENT AFFORDABLE HOUSING BONUS PROJECT AUTHORIZATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~*(g) **Hearing and Decision**.*~~

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

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

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

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

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

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

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

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

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

SEC 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.

* * * *

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

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

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

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

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

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

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

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

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

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

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

* * * *

SEC. 302. PLANNING CODE AMENDMENTS.

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

* * * *

(d) **Referral of Proposed Text Amendments to the Planning Code Back to Planning Commission.** In acting upon any proposed amendment to the text of the Code, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been approved or disapproved by the Planning Commission. Should the Board adopt a motion proposing to modify the amendment while it is before said Board, said amendment and the motion proposing modification shall be referred back to the Planning Commission for its consideration. In all such cases of referral back, the amendment and the proposed modification shall be heard by the Planning Commission according to the requirements for a new proposal, except that ~~*newspaper*~~ *online* notice required under Section ~~*306.3*~~*3333* need be given only 10 days prior to the date of the hearing. The motion proposing modification shall refer to, and incorporate by reference, a proposed amendment approved by the City Attorney as to form.

SEC. 303. CONDITIONAL USES.

* * * *

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

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

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

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

* * * *

SEC 303.1 FORMULA RETAIL USES.

* * * *

(g) **Neighborhood Notification and Design Review.** Any application for a Formula Retail use as defined in this section shall be subject to the notification and review procedures of *subsections 312(d) and (e)* Section 333 of this Code. *A Conditional Use hearing on an application 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*~~

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

SEC 306.7. INTERIM ZONING CONTROLS.

* * * *

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

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

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

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

~~*(4) By mail, if the area is 30 acres or less, exclusive of streets, alleys, and other public property, sent at least 10 days prior to the date of the hearing, to the owners of real property within the area that is the subject of the proposed interim zoning controls and within 300 feet of the exterior boundaries of that area when the controls would reclassify land or establish, abolish or modify a setback line, using*~~

~~*for this purpose the names and addresses of the owners shown on the latest citywide assessment roll in the Assessor's office. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with the position of interim zoning controls;*~~

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

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

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

* * * *

SEC. 306.8. POSTING OF SIGNS REQUIRED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(*2~~1~~*) ***Alterations.*** For the purposes of this Section, an alteration ~~*in RH and RM Districts*~~ shall be defined as *an increase to the exterior dimensions of a building except those features listed in Section 136(c)(1) through 136(c)(26) in districts where those sections apply.* ~~*any change in use,*~~ *In addition, an alteration in RH, RM, and RTO Districts shall also include the* removal of more than 75 percent of a residential building's existing interior wall framing or the removal of more than 75 percent of the area of the existing framing*.*~~*, or an increase to the exterior dimensions of a residential building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26). Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~***SEC. 312. 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.***~~

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

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

~~*(c) **Changes of Use**.*~~

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

~~*Adult Business*~~

~~*Bar*~~

~~*Cannabis Retail*~~

~~*General Entertainment*~~

~~*Group Housing*~~

~~*Limited Restaurant*~~

~~*Liquor Store*~~

~~*Massage Establishment*~~

~~*Medical Cannabis Dispensary*~~

~~*Nighttime Entertainment*~~

~~*Outdoor Activity Area*~~

~~*Post-Secondary Educational Institution*~~

~~*Private Community Facility*~~

~~*Public Community Facility*~~

~~*Religious Institution*~~

~~*Residential Care Facility*~~

~~*Restaurant*~~

~~*School*~~

~~*Tobacco Paraphernalia Establishment*~~

~~*Trade School*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER AND CONVERSION.

* * * *

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

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

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

* * * *

SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(e) **Hearing and Decision.**

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

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

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

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

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

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

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

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

SEC. 330.7. PUBLIC NOTICE.

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

SEC. 333. PUBLIC NOTIFICATION PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

(2) Multiple Language Requirement.

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

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

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

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

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

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

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

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

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

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

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

property, including any occupants of unauthorized dwelling units. Names and addresses of property owners shall be taken from the latest Citywide Assessor's Roll. 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. The Zoning Administrator shall determine the appropriate methodology for satisfying this requirement. When State law requires notice to be mailed to owners of property located within 300 feet of the subject property, such notice shall be mailed to owners and occupants in the same manner set forth in this section.

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

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

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

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

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

(g) Elimination of Duplicate Notice. *The notice provisions of this Section may be waived by the Zoning Administrator for applications that have been, or prior to any approval will be, 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.*

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

SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

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

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

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

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

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

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

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

~~*(b) For the purposes of mailed notice, the latest citywide assessment roll tor names and addresses of owners shall be used, and all efforts shall be made to the extent practical, to notify occupants of properties in the notification area. 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.*~~

SEC. 1111.4. SCHEDULING AND NOTICE OF HISTORIC PRESERVATION COMMISSION HEARINGS.

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

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

~~*(2) By mail to the applicant;*~~

~~*(3) By mail to any interested parties who make a request in writing to the Department;*~~

~~*(4) For applications for a building located in a Conservation District, by mail to the owners of all real property within 300 feet of the subject property;*~~

~~*(5) For applications for a building not located in a Conservation District, by mail to the owners of all real property within 150 feet of the subject property;*~~

~~*(6) By posting notice on the site; and*~~

~~*(7) By any other means as the Department deems appropriate.*~~

~~*(b) Notice for HPC review of Minor Permits to Alter. A hearing for the HPC to exercise its review powers over a Minor Permit to Alter shall be noticed:*~~

~~*(1) By mail not less than 10 days prior to the date of the hearing to the applicant, all owners within 150 feet of the subject property, as well as to any other interested parties who so request in writing to the Department; and*~~

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

Section 5. The Planning Code is hereby amended by revising Sections 1005, 1111.1, and 1111.2 to read as follows:

SEC. 1005. CONFORMITY AND PERMITS

* * * *

(e) After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether a Certificate of Appropriateness is required or has been approved for the work proposed in such permit application. If a Certificate of Appropriateness is required and has been issued, and if the

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

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

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

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

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

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

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

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

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

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

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

* * * *

SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.

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

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

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

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

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

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

* * * *

SEC. 1111.2. SIGN PERMITS.

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

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

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

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

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

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

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

By: _____
KATE H. STACY
Deputy City Attorney

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FILE NO. 180423

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.

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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 ALL 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