AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE (PLANNING CODE) BY ADDING SECTION 312 TO ESTABLISH A 30-DAY MAILING AND POSTING NOTIFICATION REQUIREMENT FOR BUILDING PERMIT APPLICATIONS PROPOSING DEMOLITION, NEW CONSTRUCTION, ALTERATIONS EXPANDING THE EXTERIOR DIMENSIONS OF A BUILDING OR CHANGES OF USE IN NEIGHBORHOOD COMMERCIAL DISTRICTS, VARIOUS AMENDMENTS TO SECTION 311 PROVIDING FLEXIBILITY IN THE SCHEDULING OF DISCRETIONARY REVIEW HEARINGS AND ASSIGNING THE ADMINISTRATION OF RESIDENTIAL DESIGN GUIDELINES AND GENERAL PLAN POLICIES TO THE DIRECTOR OF PLANNING, ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1.

(a) General Findings.

The Board of Supervisors hereby finds and declares that the following existing conditions create a need to add Planning Code Section 312:

There is currently no public notification requirement under the Planning Code for building permit applications on properties within Neighborhood Commercial Districts.
Districts.

Neighborhood Commercial Districts are mixed-use zoning districts typically including both commercial uses at the street level and dwelling units on the upper floors.

Neighborhood Commercial Districts are typically located abutting or in a surrounding context of residentially zoned properties. Building projects and various types of commercial uses in Neighborhood Commercial Districts can have direct and indirect impacts on local area residents.

In 1996 Section 311 of the Planning Code was enacted, requiring neighborhood notification of building permit applications in Residential Districts where demolition, new construction, building expansion or change of use was proposed. A mailed notice to neighborhood organizations, property owners, residents and occupants within 150-feet of a project site, standardized posted notice and a 30-day review period are currently required of such applications under this section.

Since the introduction of broader residential notification under Section 311, residents and neighborhood organizations have become accustomed to this contact and opportunity for input.

In 1997, the Planning Department conducted a citywide issues survey of neighborhood organizations ("San Francisco Neighborhood Planning - Issues Survey Report"). About 84 of the neighborhood organizations responding (70.5% of the total) identified notification in Neighborhood Commercial Districts as an issue. Public testimony before the Planning Commission has regularly requested some form of
notification for building projects and use changes to advise neighbors of the impacts of
a proposed project and provide an opportunity to resolve issues affecting quality of life
and neighborhood character.

One of the Priority General Plan Policies passed by the voters as an Initiative
Ordinance in 1986 and found in Planning Code Section 101.1(b) states, "That existing
housing and neighborhood character be conserved and protected in order to preserve
the cultural and economic diversity of our neighborhoods." The establishment of
notification and resultant broader public review of building proposals in Neighborhood
Commercial Districts would encourage the conservation of neighborhood character.
These mixed-use commercial areas are an expression of the character of the
surrounding residential neighborhood and integral to its identification.

The Board finds that it is necessary to the public health, safety and welfare that
existing neighborhood character of communities including and surrounding
Neighborhood Commercial Districts be protected, and that public notification of
building permit applications should be instituted to advise surrounding property
owners, residents and business persons of such applications. This notice would provide
an opportunity to identify and resolve potential conflicts.

(b) Priority Policy Findings. The proposed amendment would conform to the Priority
Policies of Planning Code section 101.1,
(1) The legislation is consistent with Priority Policy 1 in that it would encourage the
retention of neighborhood-serving businesses which provide employment and
ownership opportunities for local residents.
(2) The legislation is consistent with Priority Policy 2 in that it would encourage the conservation of neighborhood character by providing greater notification and broader review of building proposals.

(3) The legislation is consistent with Priority Policy 3 in that it would have no effect on city’s supply of affordable housing.

(4) The legislation is consistent with Priority Policy 4 in that it would not effect commuter traffic or Muni transit service.

(5) The legislation is consistent with Priority Policy 5 in that it would not effect industrial or service uses.

(6) The legislation is consistent with Priority Policy 6 in that it would have no adverse effect on the city’s earthquake preparedness.

(7) The legislation is consistent with Priority Policy 7 in that it would not change the rules regarding landmarks and historic buildings.

(8) The legislation is consistent with Priority Policy 8 in that it would not effect parks and open spaces.

Section 2. The San Francisco Planning Code is hereby amended by adding Section 312 and amending Section 311, as follows:

SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES FOR ALL NC DISTRICTS.

(a) Purpose. The purpose of this Section is to establish procedures for reviewing building permit applications for lots in NC Districts in order to determine compatibility of the proposal with the neighborhood and for providing notice to property owners, occupants and residents.
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, alterations which expand the exterior dimensions of a building,
or changes of use per the use categories of Article 7 shall be subject to the notification and
review procedures required by this Section. Subsection 312(e) regarding demolition permits
and approval of replacement structures shall apply to all NC 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) 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,
openeings, 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, relevant neighborhood organizations as described in Subparagraph
312(c)(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.

(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, 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.

(d) 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 (c)(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 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 NC 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.

SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH AND RM
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 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 new
construction and alteration of residential buildings in RH and RM districts shall be subject to
the notification and review procedures required by this Section. Subsection 311(e) regarding
demolition permits and approval of replacement structures shall apply to all R Districts. For
the purposes of this Section, an alteration shall be defined as any change in use of a residential
building 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).

(c) Building Permit Application Review for Compliance and Notification. Upon
acceptance of any application subject to this Section, the ((Department of City)) Planning
Department shall review the proposed project for compliance with the ((City)) Planning Code
and any applicable design guidelines approved by the ((City)) Planning Commission.

Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and
2.5 of the ((City)) 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 ((Master)) General Plan and with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission. The ((Zoning Administrator)) Director of Planning 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 ((Master)) 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 ((City)) Planning Code, the ((Department of City)) 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, 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, relevant neighborhood organizations as described in Subparagraph
311(c)(2)(C) below, all individuals having made a written request for notification for a specific
parcel or parcels pursuant to ((City)) Planning Code Section 351 and all owners and, to the
extent practical, occupants, of properties in the notification area.

(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 co((m))mer lot, the notification area shall further include all property on both
block faces across from the subject lot, and the co((m))mer property diagonally across the
street.

(B) The latest ((c))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 ((City)) 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.

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

The project sponsor of a building permit application may request discretionary review by the ((City)) Planning Commission to resolve conflicts between the ((Zoning Administrator)) Director of Planning and the project sponsor concerning requested modifications to comply with the Residential Design Guidelines.

(1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing requests for discretionary review by the ((City)) Planning Commission within a reasonable period((, and not more than 30 days after the close of the notification period described in 311(c)(3) above)).

(2) Notice. Mailed notice of the discretionary review hearing by the ((City))
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 311(c)(2) above. Posted notice of the hearing
shall be made as provided under ((City)) 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 ((Permit)) 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. (Added by Ord. 46-96, App. 2/2/96)

APPROVED AS TO FORM:

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LOUISE H. RENNE, City Attorney

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By: 

JUDITH A BOYAJIAN

Deputy City Attorney

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

Not a project per CEQA Statutes Sec. 21065

J. Bickett 7/17/00
Ordinance amending Part II, Chapter II, of the San Francisco Municipal Code (Planning Code) by adding Section 312 to establish a 30-day mailing and posting notification requirement for building permit applications proposing demolition, new construction, alterations expanding the exterior dimensions of a building or changes of use in Neighborhood Commercial Districts, various amendments to Section 311 providing flexibility in the scheduling of discretionary review hearings and assigning the administration of Residential Design Guidelines and General Plan policies to the Director of Planning, adopting findings pursuant to Planning Code Section 101.1.

November 20, 2000 Board of Supervisors — PASSED, ON FIRST READING
  Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 4, 2000 Board of Supervisors — FINALLY PASSED
  Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 4, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.