Ordinance amending the San Francisco Planning Code by amending Section 311 to clarify that the project notification requirements apply to building permits for demolition and change in the number of dwelling units as well as to building permits for new construction and alteration and to require that the notification package sent to neighboring property owners include specified information; adopting environmental findings and findings pursuant to Planning Code Section 302.

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

Section 1. Findings. (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 70412, and incorporates such reasons herein by reference. A copy of said Planning Commission resolution is on file with the Clerk of the Board in File No. 050456.

(b) The Planning Department has determined that adoption of this ordinance is in compliance 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 in File No. and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 311, to read as follows:

Sec. SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH AND RM DISTRICTS.

Supervisor McGoldrick
BOARD OF SUPERVISORS
(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 demolition and/or new construction, and/or 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 or change in the number of dwelling units of a residential building, 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).

(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 City Planning Commission. The 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 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, 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
Notification Package. The notification package for a project subject to notice under this Section 311 shall include:

1. parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants, of properties in the notification area.

2. 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.

3. The latest City-wide Assessor's roll for names and addresses of owners shall be used for said notice.

4. 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.

5. 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.

6. 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.
(A) 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 exterior dimensions and finishes, and a graphic reference scale.

(B) Information stating whether the proposed project includes horizontal, vertical, or both horizontal and vertical additions.

(C) Information showing the relationship of the project to adjacent properties, including the position and height of any adjacent building and location of windows facing the subject property.

(D) 11" by 17" drawings at a measurable scale with all dimensions legible that shows (i) both existing and proposed floor plans, (ii) specific dimensional changes to the building, including parapets, penthouses, and other proposed building extensions and (iii) the location and amount of removal of exterior walls.

(E) Floor plans where there is a new building, building expansion, or change in the floor plans of an existing building.

(F) The name and telephone number of the project planner at the Planning Department assigned to review the application.

(G) A description of the project review process, information on how to obtain additional information about the project, and information 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.

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

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance amending the San Francisco Planning Code by amending Section 311 to clarify that the project notification requirements apply to building permits for demolition and change in the number of dwelling units as well as to building permits for new construction and alteration and to require that the notification package sent to neighboring property owners include specified information; adopting environmental findings and findings pursuant to Planning Code Section 302.

September 20, 2005 Board of Supervisors — AMENDED
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

September 20, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

September 27, 2005 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on September 27, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Gavin Newson

9/30/05
Date Approved