Ordinance amending the Planning Code Section 311 and 312 to apply the public review processes for building permit applications in R and NC Districts to wireless telecommunications services facilities permitted as accessory uses under Article 2 of the Planning Code, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are _single-underline italics Times New Roman_; deletions are _strike-through italics Times New Roman_. Board amendment additions are _double underlined_. Board amendment deletions are _strike-through normal_.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

(1) San Francisco has a proud tradition of safeguarding the unique character of its diverse neighborhoods and emphasizing community involvement in issues of neighborhood preservation.

(2) The advent of wireless technologies has caused the proliferation of wireless communications services facilities throughout the City for provision of wireless services to the public. Such equipment includes but is not limited to microcells, which are small cell units that provide additional coverage and capacity where there are high numbers of users within urban areas. The antennas for microcells are often mounted at street level, typically on the external walls of existing structures, lampposts and other street fixtures.

(3) Microcell installations are often visible to the public and can detract from the character and dignity of buildings and surrounding neighborhoods.
(4) The City has received numerous complaints from neighborhood residents referring to wireless telecommunications services facilities as being unsightly, industrial-looking, and constituting urban blight. Neighborhood residents report that these facilities negatively impact the character and distinctive qualities of their neighborhoods.

(5) Microcells and other wireless telecommunications services facilities have been permitted or allowed as "accessory uses" that have minimal design review and public notice requirements.

(6) Planning Code Sections 311 and 312 provide a process for public review of building permit applications in R Districts and NC Districts, respectively, in order to determine compatibility of the proposals 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.

(7) The public welfare, public convenience, and general prosperity of the community require amending the Planning Code to apply the public review processes of Sections 311 and 312 to wireless telecommunications services facilities.

Section 2. Environmental Findings, General Plan Findings, and Other Required Findings.

(a) The Planning Department has determined that the actions contemplated in this Ordinance are 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 of Supervisors in File No. 070213 and is incorporated herein by reference.

(b) On April 19, 2007, the Planning Commission, in Resolution No. 17420 approved and recommended for adoption by the Board this legislation and
adopted findings that it is 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.
070213, and is incorporated by reference herein.

(c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
Planning Commission Resolution No. 17420, and incorporates such reasons by
reference herein.

Section 3. The San Francisco Planning Code is hereby amended by amending
Sections 311 and 312 to read as follows:

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
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

Supervisor Peskin
BOARD OF SUPERVISORS
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 
otice 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 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 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) 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.

(f) Wireless Telecommunications Services Facility as Accessory Use. Notification and Review Required. Building permit applications for new construction of a wireless telecommunications services facility as an accessory use 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.

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, changes in use to a formula retail use as defined in section 703.3 of this Code or alterations which expand the exterior dimensions of a building 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 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. All building permit applications for a change of use to a bar, as
defined in section 790.22, a liquor store, as defined in section 790.55, a walkup facility, as
defined in section 790.140, other large institutions, as defined in section 790.50, other small
institutions, as defined in section 790.51, a full-service restaurant, as defined in section
790.92, a large fast food restaurant, as defined in section 790.90, a small self-service
restaurant, as defined in section 790.91, a massage establishment, as defined in section
790.60, an outdoor activity, as defined in section 790.70, or an adult or other entertainment
use, as defined in sections 790.36 and 790.38, 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, 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 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, 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 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.

(g) **Wireless Telecommunications Services Facility as Accessory Use, Notification and Review Required.** Building permit applications for new construction of a wireless telecommunications services facility as an accessory use under Article 7 of the Planning Code in all NC Districts shall be subject to the notification and review procedures required by this Section.

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

By: Andrew W. Garth
Deputy City Attorney
Ordinance amending the Planning Code Section 311 and 312 to apply the public review processes for building permit applications in R and NC Districts to wireless telecommunications services facilities permitted as accessory uses under Article 2 of the Planning Code, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

May 22, 2007 Board of Supervisors — SUBSTITUTED

August 14, 2007 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

September 11, 2007 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on September 11, 2007 by the Board of Supervisors of the City and County of San Francisco.

Date Approved

Mayor Gavin Newsom

Signature Clerk