



SAN FRANCISCO PLANNING DEPARTMENT

June 8, 2018

Ms. Angela Calvillo, Clerk
Honorable Supervisors Tang, Kim, and Safai
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Transmittal of Planning Department Case Number 2018-004633PCA
Mayor's Process Improvements Ordinance**

**Board File No. 180423: Review for Downtown and Affordable Housing Projects;
Notification Requirements; Review of Alterations of Historical Landmarks and
in Conservation Districts.**

**Historic Preservation Commission Recommendation: Approval
Planning Commission Recommendation: Approval with Modifications**

Dear Ms. Calvillo and Honorable Supervisors,

On May 16, 2018, the Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance that would amend the Planning Code to streamline review of 100% affordable housing projects, eliminate duplicative review processes for most large residential projects in downtown C-3 districts, consolidate and modernize notification requirements and procedures, and provide for expedited review of minor alterations to historic landmark buildings and designated buildings in conservation districts. At the hearing the Historic Preservation Commission recommended approval of the Ordinance.

On June 7, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the same proposed Ordinance. At the hearing the Planning Commission recommended approval with modifications, as follows.

1. Section 315(c) regarding the review process for 100% affordable housing projects should be further amended to explicitly require that projects approved administratively through Section 315 must be "consistent with the Urban Design Guidelines and any other applicable design guidelines."
2. The proposed Section 333(e)(1) regarding **posted notice** should be amended to include the following language:

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The requirements of this Subsection 333(e)(1) 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.

3. The proposed Section 333(e)(1) regarding posted notice should be further amended to add language requiring all posters to be placed in a manner that is “visible and legible from the sidewalk or nearest public right-of-way.”
4. The proposed Section 333(e)(2) regarding mailed notice should be amended to require minimum dimensions of 5-1/2 x 8-1/2 inches (a standard half-sheet) to ensure that the required contents for mailed notice can be accommodated while still allowing for mailed notice to be provided on a double-sided card.
5. The proposed Section 333(c) should be amended such that the Notification Period is no fewer than 30 calendar days, rather than the 20 days proposed.
6. Section 311(b)(2) should be amended such that the features listed in Section 136(c)(25) should *not* be excepted from the definition of Alterations subject to notification requirements.
7. The proposed Section 333(b) should be amended such that the Zoning Administrator shall determine the means of delivering all forms of public notice, *in a manner consistent with the Planning Commission's policy on notification*, provided that the contents of Section 333 are satisfied. The Ordinance should further be amended such that changed notification procedures would become operative only upon adoption of the Planning Commission policy.
8. The Planning Commission should receive regular reporting on the status and results of the process improvement efforts included in the Ordinance, beginning no later than one year after the effective date of the Ordinance.
9. Section 315 and the proposed Section 315.1 should be amended to require that 100% affordable housing projects approved pursuant to these Sections shall provide the San Francisco prevailing wage for construction work associated with the project.
10. Section 315 and the proposed Section 315.1 should be amended to require that 100% affordable housing projects approved pursuant to these Sections shall be constructed in conformity with the San Francisco Building Code.
11. Section 315 and the proposed Section 315.1 should be amended to require that 100% affordable housing projects approved pursuant to these Sections shall be constructed in a

manner that is consistent with all applicable standards for affordable housing developments, as determined by the Mayor's Office of Housing and Community Development.

Supervisors, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission into the proposed Ordinance. Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Daniel A. Sider, AICP
Director of Executive Programs

cc:

Erica Major, Assistant Clerk of the Board
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Menaka Mohan, Aide to Supervisor Tang
Bobbi Lopez, Aide to Supervisor Kim
Suhagey Sandoval, Aide to Supervisor Safai
Kanishka Karunaratne, Mayor's Office of Economic and Workforce Development
bos.legislation@sfgov.org

Attachments:

Historic Preservation Commission Resolution No. R-959
Planning Commission Resolution No. R-20198
Planning Department Executive Summary for 2018-004633PCA



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. 959 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

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RESOLUTION RECOMMENDING APPROVAL OF 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 ADOPTS A RECOMMENDATION TO APPROVE 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: Wolfram, Hyland, Johnck, Matsuda, Johns, Black

NOES: None

ABSENT: Pearlman

ADOPTED: June 6, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20198

HEARING DATE JUNE 7, 2018

Project Name: Mayor's Process Improvements Ordinance
Case Number: 2018-004633PCA, [Board File No. 180423]
Initiated by: Mayor Farrell / Introduced April 24, 2018;
reintroduced May 15, 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

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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, on May 15, 2018 Mayor Farrell re-introduced the proposed Ordinance under the same 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 Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 7, 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 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 Commission has reviewed the proposed Ordinance; and

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

MOVED, that the Commission hereby **approves with modifications** the Ordinance as described within this resolution.

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 projects, 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 Ordinance would amend Section 311 to allow for the limited rear yard addition permitted under Section 136(c)(25) to be approved the same day they are submitted at the Planning Information Counter. This same-day approval would significantly reduce the volume of permits in the review backlog. 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.

Same-day approval for this type of addition is appropriate, considering that the potential impacts to mid-block open spaces and neighboring properties are already mitigated through the bulk and height limitations codified in Section 136(c)(25). Specifically, a one-floor rear addition is limited to 10 feet in height, which is also the maximum height for a permitted lot line fence meaning such additions would not be visible from neighboring properties, and such an addition would be limited to a maximum of 300 gross square feet of floor area for a typical 25-foot wide lot. A two-floor addition would be limited the floor height of the third level of the existing structure and also must be set back by five feet on either side from both interior lot lines, allowing for a maximum addition of 360 gross square feet of floor area for a typical 25-foot wide lot. This permitted envelope is consistent with the standards contained for such additions in the Residential Design Guidelines, thus ensuring consistency with applicable design standards. No rear addition permitted through Section 136(c)(25) would be permitted to expand into the rear 25 percent of the lot or within 15 feet of the rear lot line, whichever is greater, in any case. As for any other Building Permit, permits approved pursuant to this Section will remain appealable to the Board of Appeals.

7. The proposed amendments to Section 1005 and 1111 to allow for permits for minor and routine scopes of work that currently require an Administrative Certificate of Appropriateness or Minor Permit to Alter under Section 1005 and 1111 of the Planning Code to be eligible for same-day administrative approval by the Planning Department, provided the projects confirm to the relevant guidelines and standards as provided 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 in any given year, 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 designated building in a conservation district by allowing such business to seek administrative same-day approval of minor alterations to install business signage, awnings 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 its authority of Discretionary Review to the Planning Department to review applications for Affordable Housing Projects or 100% Affordable Housing Bonus Program projects, pursuant to the administrative approval

procedures and requirements to be established in Sections 315 or 315.1, respectively, of the Planning Code, provided such procedures and requirements are duly enacted by law; and

BE IT FURTHER RESOLVED that the Commission hereby amends the Commission's Pre-Application Meeting Policy to require a Pre-Application meeting for applications for a limited rear yard addition consistent with the dimensions in Section 136(c)(25), even when notification is not otherwise required.

BE IT FURTHER RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described here:

1. Section 315(c) regarding the review process for 100% affordable housing projects should be further amended to explicitly require that projects approved administratively through Section 315 must be "consistent with the Urban Design Guidelines and any other applicable design guidelines."
2. The proposed Section 333(e)(1) regarding **posted notice** should be amended to include the following language:

The requirements of this Subsection 333(e)(1) 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.

3. The proposed Section 333(e)(1) regarding posted notice should be further amended to add language requiring all posters to be placed in a manner that is "visible and legible from the sidewalk or nearest public right-of-way."
4. The proposed Section 333(e)(2) regarding mailed notice should be amended to require minimum dimensions of 5-1/2 x 8-1/2 inches (a standard half-sheet) to ensure that the required contents for mailed notice can be accommodated while still allowing for mailed notice to be provided on a double-sided card.
5. The proposed Section 333(c) should be amended such that the Notification Period is no fewer than 30 calendar days, rather than the 20 days proposed.
6. Section 311(b)(2) should be amended such that the features listed in Section 136(c)(25) should *not* be excepted from the definition of Alterations subject to notification requirements.
7. The proposed Section 333(b) should be amended such that the Zoning Administrator shall determine the means of delivering all forms of public notice, *in a manner consistent with the Planning Commission's policy on notification*, provided that the contents of Section 333 are satisfied. The Ordinance should further be amended such that changed notification procedures would become operative only upon adoption of the Planning Commission policy.

8. The Planning Commission should receive regular reporting on the status and results of the process improvement efforts included in the Ordinance, beginning no later than one year after the effective date of the Ordinance.
9. Section 315 and the proposed Section 315.1 should be amended to require that 100% affordable housing projects approved pursuant to these Sections shall provide the San Francisco prevailing wage for construction work associated with the project.
10. Section 315 and the proposed Section 315.1 should be amended to require that 100% affordable housing projects approved pursuant to these Sections shall be constructed in conformity with the San Francisco Building Code.
11. Section 315 and the proposed Section 315.1 should be amended to require that 100% affordable housing projects approved pursuant to these Sections shall be constructed in a manner that is consistent with all applicable standards for affordable housing developments, as determined by the Mayor's Office of Housing and Community Development.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 24, 2018



Jonas F. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Richards

NOES: Moore

ABSENT: None

ADOPTED: June 7, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: JUNE 7, 2018
90 DAY DEADLINE: JULY 31, 2018

Date: May 31, 2018
Project Name: **Mayor's Process Improvements Ordinance**
Case Number: 2018-004633PCA, [Board File No. 180423]
Initiated by: Mayor Farrell / Introduced April 24, 2018;
reintroduced May 15, 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: **Approval with modifications**

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PLANNING CODE AMENDMENTS

The proposed Ordinance would amend the Planning Code to streamline review of 100% affordable housing projects, eliminate duplicative review processes for most large residential projects in downtown C-3 districts, consolidate and modernize notification requirements and procedures, and provide for expedited review of minor alterations to historic landmark buildings and designated buildings in conservation districts.

The Way It Is Now:

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

1. Per Planning Code Section 315, 100% affordable housing projects (not seeking a density bonus) are considered principally permitted uses and may seek certain exceptions to Planning Code requirements. Affordable housing projects seeking approval under Section 315 may use exceptions that are permitted based on the size and location of the development lot (e.g. Section 329 exceptions available to large projects in the Eastern Neighborhoods) through administrative review and without action by the Planning Commission that would otherwise be required. The Code does not allow an affordable housing project to seek exceptions from other project authorization types in other zoning districts, or those which apply to other lot types. The Planning Department is authorized to review and approve an

affordable housing project administratively, but an individual may request Discretionary Review of an affordable housing project before the Planning Commission.

2. Planning Code Section 206.4 establishes the 100% Affordable Housing Bonus Program. Projects seeking approval pursuant to this section are eligible for certain density bonuses including increased density and height increases, and certain modifications to the Planning Code related to parking, open space, rear yard, dwelling unit exposure, and loading. Bonus Projects are approved through an authorization process set forth in Planning Code Section 328, which provides for a Planning Commission design review hearing, but Bonus Projects are not required to seek conditional use authorization. The Planning Commission does not hear separate Discretionary Review requests for Bonus Projects.
3. Planning Code Section 309 establishes review procedures for projects located in C-3 districts, which allows for certain exceptions to Planning Code requirements. These exceptions may be granted by the Planning Commission for projects of greater than 50,000 gross square feet or more than 75 feet in height, or administratively for smaller projects. For most projects in C-3 districts, a Planning Commission hearing is required due to the scale of the project.

B. Notification Requirements and Procedures

1. Planning Code Section 311 establishes notification requirements for certain Building Permit Applications under Planning Department review in Residential districts, including for limited horizontal additions in the rear yard permitted under Section 136(c)(25). Section 312 establishes notification requirements for certain Building Permit Applications in Neighborhood Commercial, Eastern Neighborhoods Mixed Use Districts, and for Cannabis Retail and Medical Cannabis Dispensaries.
2. Public hearings of the Planning Commission, Historic Preservation Commission, and Zoning Administrator also require public notification as set forth in Planning Code Sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 317, 329, 330.7, 1006.3, and 1111.4. In all, the various requirements set forth in the Planning Code mean there are over 30 unique sets of notification requirements that the Planning Department is responsible for implementing as a part of project review.
3. The various current requirements are summarized in the table attached here as Exhibit 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 11 x 17 inch plan sets mailed to recipients within specified geographic areas (generally, a 150' or 300' radius from the project site) and within specified notification periods (10, 20, or 30 days).

Posted notice: refers to posters of various dimensions that are produced by the Planning Department and placed at the project site by the project sponsor in certain cases and for various notification periods.

Newspaper notice: refers to a notice of public hearing that must appear in a newspaper of general circulation at least 20 days prior to hearings for certain actions.

C. Minor Alterations to Historic Buildings

1. Section 1005 of the Planning Code requires that proposed alterations to designated landmark buildings or buildings in a designated historic district must obtain a Certificate of Appropriateness from the Planning Department, except as provided in four specific cases established in Section 1005(e). The four exceptions currently provided are:
 - (1) An application to make alterations on a site where an individual landmark was legally demolished.
 - (2) An application to make alterations to an interior not designated as part of the Landmark Ordinance;
 - (3) An application for ordinary maintenance and repairs only; including repair of damage caused by fire or other disaster;
 - (4) An application to make alterations within the public right-of-way where no public right-of-way features are identified in the designating Ordinance for review by the HPC.
2. Section 1111 of the Planning Code requires that building, site, alteration, or other permits related to a Significant Contributory Building or a building within a Conservation District must obtain either a Major or Minor Permit to Alter. Major Permits to Alter may only be granted by the Historic Preservation Commission, while Minor Permits to Alter may be granted administratively by the Planning Department, provided that such permits are held at the Planning Department for a period of 20 days prior to approval.

The Way It Would Be:

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

1. Planning Code Section 315 would continue to provide for administrative approval of 100% affordable housing projects (not seeking a density bonus) with exceptions that are permitted based on the size and location of the development lot (e.g. Section 329 exceptions available to large projects in the Eastern Neighborhoods). Section 315 would be amended to further **provide for administrative approval of 100% affordable housing projects with exceptions that could otherwise be granted to a Planned Unit Development (PUD)** under Section 304, irrespective of the size or location of the project and with the findings as required by Section 303(c). In addition, **these projects would not be subject to a public hearing for Discretionary Review**, provided that the Planning Commission delegates such authority to the Planning Department for affordable housing projects subject to approval through Section 315. Administrative approvals pursuant to Section 315 would continue to be appealable to the Board of Appeals.
2. Planning Code Section 206.4 establishing the **100% Affordable Housing Bonus Program** would be unchanged except for updated references to other Code sections, and the eligibility criteria, density bonuses, and zoning modifications available to eligible projects would remain in place. Section 328, which requires a design review hearing before the Planning Commission for such Bonus Projects would be deleted and replaced with a new Section 315.1, which would establish an **administrative approval process for 100% affordable housing projects seeking a density bonus**. This administrative approval process would be similar to that set forth in Section 315, but the Planning Code exceptions available to such projects would be limited to those currently provided for in Section 206.4. In addition, **these projects would not be subject to a public hearing for Discretionary Review**, provided that the Planning Commission delegates such authority to the Planning Department for Bonus Projects subject to approval through Section 315.1. Administrative approvals pursuant to Section 315.1 would be appealable to the Board of Appeals.
3. Planning Code **Section 309 would be amended to allow for two additional exceptions** to Planning Code requirements for projects in the C-3 districts. These exceptions would be to the **dwelling unit exposure** requirements of Section 140, and the **useable open space** requirements of Section 135. Planning Commission review for projects of greater than 50,000 square feet or 75 feet in height would still be required for approval.

B. Notification Requirements and Procedures

Note: The amendments contained in Section 4 of the Ordinance, regarding notification requirements and procedures as summarized below, would have an **operative date of January 1, 2019**. This is intended to allow sufficient time for the Department to fully and effectively implement the new procedures, should the amendments be enacted. All other sections of the Ordinance would become effective 30 days after enactment, per standard 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 gross square foot expansion for a typical 25-foot wide lot), or no more than 12 feet in depth with a 5-foot setback from the side lot lines for a two floor addition (a maximum 360 gross square foot expansion for a typical 25-foot wide lot).

2. All public hearings of the Planning Commission, Historic Preservation Commission, and Zoning Administrator that currently require notification would continue to require notification. However, the current requirements set forth in Planning Code sections 202.5, 302, 303, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 317, 329, 330.7, 1006.3, and 1111.4 would be amended or deleted, as appropriate, to reference a new Planning Code Section 333.

The new **Planning Code Section 333 would establish a uniform set public notification procedures** applicable to all public hearings and Building Permit Applications under Section 311 that require notification.

Planning Code Section 333 would establish the following universal notification procedures:

- Universal **notification period of 20 calendar days** for all forms of required notice (mailed, posted, online)

- New requirement that **posted notice** include at least **one poster for every 25 feet of street frontage** at the subject property. Posters would still be required to be placed as near to the street frontage as possible, but **specific requirements would be set forth in a Zoning Administrator Bulletin**, rather than in the Planning Code.
- Universal **notification area for all mailed notices of 150 feet** in all directions from the project site, except for notification for Building Permit Applications for Sutro Tower, which would continue to be subject to a 1,000 foot radius mailing requirement, per Section 306.9.
- Universal **notification groups** for all mailed notification, to include property **owners and tenants** of buildings within the notification area, as well as to **registered neighborhood organizations and individuals** who have requested mailed notice. Currently, tenants are only provided mailed notice for certain Building Permit Applications and hearings.
- Newspaper notice would be replaced with a new requirement for **online notice** on the Planning Department website.

Planning Code Section 333 would require a **posted, mailed, and online notice** for all Building Permit Applications and public hearings that currently require notification, except as follows:

- Public hearings to consider **proposed legislation** (e.g. Planning Code Amendments) would require **online notification only**. Such hearings currently require only newspaper notification.
- Public hearings to consider proposed legislation that would reclassify **specific properties** (e.g. Zoning Map Amendment) or to establish Interim Zoning Controls, if the subject area is **30 acres or less**, the hearing would require **online notice and mailed notice**.
- Public hearings to consider proposed legislation that would **reclassify a single property or development site** (e.g. a Zoning Map Amendment or Special Use District), the hearing would require **online notice, mailed notice, and posted notice**.

Planning Code Section 333 would establish the following uniform requirements for the **format and content of mailed, posted, and online 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 have a size and dimension as determined by the Zoning Administrator, but would have a **required minimum size of 4-1/4 x 6 inches in size** (a standard postcard) in all cases.
- **Posted notice** would have a size and dimension as determined by the Zoning Administrator, but would require a **minimum size of 11 x 17 inches** in all cases.
- **Online notice** would include a **digital copy of the posted notice** and a **digital copy of the plans** associated with the project formatted to print on 11 x 17 inch paper, and 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 alterations conform to the standards and guidelines as provided for 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 would be subject to same-day approval by a Preservation technical specialist at the Planning Information Center, rather than being added to the permit review queue.

2. Section 1111.1 of the Planning Code would be amended to specifically exempt the following three scopes from the requirement to obtain a Minor Permit to Alter, provided that the alterations conform to the standards and guidelines as provided for 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 permits that could currently be approved administratively with a Minor Permit to Alter would be subject to same-day approval by a Preservation technical specialist at the Planning Information Center, rather than being added to the permit review queue.

BACKGROUND

On September 27, 2017 Mayor Edwin M. Lee issued Executive Directive 17-02¹ to establish approval deadlines and accountability measures related to entitlement and construction permit approvals for new housing developments. In accordance with the Directive, the Planning Department issued a Process Improvements Plan² on December 1, 2017 outlining a variety of measures to enhance our regulatory and development review functions in order to streamline the approval and construction of housing in San Francisco.

Many of the proposals included in the plan can be undertaken administratively or by action of the Planning Commission, and many of these are already underway, while other proposals require amendments to the Planning Code. Several of these proposals would be implemented by the Planning Code amendments in the proposed Ordinance.

ISSUES AND CONCERNS

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

1. Though Section 315 already provides for administrative approval of 100% affordable housing developments, projects often seek Planning Code exceptions that cannot be provided administratively because the project is not located in a certain area (e.g. the Eastern Neighborhoods for exceptions provided under Section 329), or does not meet certain other criteria that are required for the specific exceptions current allowed for in Section 315. The structure of Section 315 limits the Department's ability to fulfill the intent of the Section, to

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

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

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 Planning Commission hearings in order to be approved. This review procedure adds time, cost, and uncertainty to the development process for these high-priority affordable housing projects.
3. In addition to the Planning Commission review required in Section 309 for large projects in C-3 districts, large residential projects downtown routinely must also seek a Variance from the dwelling unit exposure requirement of Section 140 and the useable open space requirements of Section 135 of the Planning Code, due to the physical incompatibility of these requirements with high-rise development. The need for a Variance in these cases adds an additional layer of review and public hearing with the Zoning Administrator's office, and can add substantially to the time needed for Planning Department staff to complete project review, even though these modifications are routinely approved for such projects.

B. Notification Requirements and Procedures

1. Current notification procedures are overly complex, with over 30 combinations of notification types required for various types of Building Permit Applications and hearings. This level of complexity makes notification procedures unnecessarily time-consuming for Planning Department staff, and also invites minor errors in fulfilling notification requirements that can cause significant delays in project review and approval.
2. Current notification requirements are antiquated and wasteful, while not serving the public as broadly as possible given current technology. Mailed notification for Building Permit Applications subject to Section 311 and 312 alone generated over 600,000 pages or 3 tons of paper at a cost of over \$250,000 in 2017 due to the current requirement that 11 x 17 inch plan sets be mailed as part of the notice. The newspaper notification requirement cost the City over \$70,000 in 2017, while the notification provided through this requirement is only available in a copy of one specific publication on only one day of the week.

3. Current notification requirements do not require that tenants living in proximity to a proposed project receive mailed notice in all cases, and instructions for multilingual translation services are not required to be included in all cases.
4. Notification requirements for Building Permit Applications subject to Sections 311, 312 and certain permits for work on historic landmark buildings or designated 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 subject to same-day approval at the Planning Information Center must instead be routed to another 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 an Administrative Certificate of Appropriateness or Minor Permit to Alter under Section 1005 and 1111 of the Planning Code cannot currently be approved administratively by Preservation technical specialist at the Planning Information Center, but must be held for 20 days by the Department prior to approval. This requirement 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 on the same day they are submitted, the project approval is delayed by three to four months on average.

RECOMMENDATION

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

1. Section 315(c) regarding the **review process for 100% affordable housing projects** should be further amended to explicitly require that projects approved administratively through Section 315 must be "consistent with the Urban Design Guidelines and any other applicable design guidelines."

2. The proposed Section 333(e)(1) regarding **posted notice** should be amended to include the following language:

The requirements of this Subsection 333(e)(1) 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.

This language currently appears in Section 306.8 and should be included in Section 333 to allow alternate means of satisfying the poster placement requirements when needed to accommodate exceptional site conditions, as the Code currently provides.

3. The proposed Section 333(e)(1) regarding **posted notice** should be further amended to add language requiring all posters to be placed in a manner that is "visible and legible from the sidewalk or nearest public right-of-way." This would provide further guidance to the Department in determining appropriate poster placement guidelines.
4. The proposed Section 333(e)(2) regarding **mailed notice** should be amended to require minimum dimensions of 5-1/2 x 8-1/2 inches (a standard half-sheet) to ensure that the required contents for mailed notice can be accommodated while still allowing for mailed notice to be provided on a double-sided card.
5. Section 311(2) should be further amended to specify that a **limited rear yard addition as permitted in Section 136** will still require notification if the addition is to an existing structure that has been expanded in the prior 3 years. This modification would minimize the possibility of "serial permitting" via this provision of the Code.
6. The Department also recommends that the Commission adopt a *Planning Commission Policy* to require a Pre-Application meeting between the applicant and adjacent neighbors before an application for the limited rear yard addition can be submitted. This will provide concerned neighbors advance notice of the proposal and the ability to request notification when a building permit is filed. This change does not require any modification to the Ordinance, but language to establish such a policy is included in the Draft Planning Commission Resolution attached to this Summary.

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 subject to same-day approval at the Planning Information Center.

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. Through concerns were raised about the 20-day notification period for building permit notifications, once existing notification requirements and procedures, along with proposed technology advances and expansion of access to notification materials overall are considered, the Department finds that such a notification period is appropriate and would not diminish the ability of the public to engage in the planning process.

2. The new Section 333 would significantly expand public access to notification materials, 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 the same day they are submitted at the Planning Information Counter. This same-day approval would significantly reduce the volume of permits in the review backlog. 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.

Furthermore, same-day approval for this type of addition is appropriate, considering that the potential impacts to mid-block open spaces and neighboring properties are already mitigated through the bulk and height limitations codified in Section 136(c)(25). Specifically, a one-floor rear addition is limited to 10 feet in height, which is also the maximum height for a permitted lot line fence meaning such additions would not be visible from neighboring properties, and such an addition would be limited to a maximum of 300 gross square feet of floor area for a typical 25-foot wide lot. A two-floor addition would be limited the floor height of the third level of the existing structure and also must be set back by five feet on either side from both interior lot lines, allowing for a maximum addition of 360 gross square feet of floor area for a typical 25-foot wide lot. This permitted envelope is consistent with the standards contained for such additions in the Residential Design Guidelines, thus ensuring consistency with applicable design standards. No rear addition permitted through Section 136(c)(25) would be permitted to expand into the rear 25 percent of the lot or within 15 feet of the rear lot line, whichever is greater, in any case. As for any other Building Permit, permits approved pursuant to this Section will remain appealable to the Board of Appeals.

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, provided the projects conform to the relevant guidelines and standards as provided for 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 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 received written comments from 19 organizations and individuals about this Ordinance. The majority of the comments were to express opposition to the proposed changes to notification procedures. The primary concerns raised were the shortening of the notification period to 20 days from 30 for building permit application notices, the proposed reduction in size of mailed notice, the transfer of architectural plan sets from the mailed notice to online notice, and the proposal to allow for limited rear yard

additions without notification. No opposition to the other sections of the ordinance regarding approvals of housing projects and minor alterations to historic structures was expressed.

The comments received in support emphasized the importance of the approving the overall ordinance in order to streamline housing production, and two letters received from local architects expressed support specifically for the proposal to allow for limited rear yard additions without notification.

These written comments are attached in Exhibit E below.

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution for Board File 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
- Exhibit E: Public comment received to date