

File No. 180482 Committee Item No. 1  
 Board Item No. 28

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 23, 2018

Board of Supervisors Meeting Date July 31, 2018  
 Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral CEQA 051618      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral PC 051618        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CEQA Determination 060118 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | PLN Transmittal 071318    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Comm Rpt Request Memo     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Comm Rpt Memo 07.24.2018  |
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Completed by: Erica Major Date July 20, 2018  
 Completed by: Erica Major Date July 24, 2018

BOARD of SUPERVISORS



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## MEMORANDUM

### LAND USE AND TRANSPORTATION COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Katy Tang, Chair  
Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk

DATE: July 24, 2018

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 24, 2018

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 24, 2018. This item was acted upon at the Committee Meeting on Monday, July 23, 2018, at 1:30 p.m., by the votes indicated.

Item No. 74      File No. 180482

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

#### AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE

Vote: Supervisor Katy Tang - Aye  
Supervisor Jane Kim - Aye  
Supervisor Catherine Stefani - Aye  
Supervisor Ahsha Safai - Excused

#### RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Katy Tang - Aye  
Supervisor Jane Kim - Aye  
Supervisor Catherine Stefani - Aye  
Supervisor Ahsha Safai - Excused

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Jon Givner, Deputy City Attorney

1 [Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial  
2 Districts in Supervisorial Districts 4 and 11]

3 Ordinance amending the Planning Code to create a two-year pilot program removing  
4 public notice and Planning Commission review for certain uses in Neighborhood  
5 Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for  
6 certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department's  
7 determination under the California Environmental Quality Act; making findings of  
8 consistency with the General Plan, and the eight priority policies of Planning Code,  
9 Section 101.1; and making findings of public necessity, convenience, and welfare  
10 pursuant to Planning Code, Section 302.

11 NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
12 Additions to Codes are in single-underline italics Times New Roman font.  
13 Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
14 Board amendment additions are in double-underlined Arial font.  
15 Board amendment deletions are in ~~strikethrough Arial font~~.  
16 Asterisks (\* \* \* \*) indicate the omission of unchanged Code  
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) This ordinance shall be known as the Small Business Attraction Program in  
21 Supervisorial Districts 4 and 11.

22 (b) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
25 Supervisors in File No. 180482 and is incorporated herein by reference. The Board affirms  
this determination.

1 (c) On July 12, 2018, the Planning Commission, in Resolution No. 20230, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. 180482, and is incorporated herein by reference.

6 (d) Pursuant to Planning Code Section 302, the Board finds that this Planning Code  
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
8 in Planning Commission Resolution No. 20230, and the Board incorporates such reasons  
9 herein by reference.

10  
11 Section 2. The Planning Code is hereby amended by revising Sections 311, 312, 710,  
12 711, 720, 731, 732, 733, and 734 to read as follows:

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

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

21 (b) **Applicability.** Except as indicated herein, all building permit applications in  
22 Residential, NC, NCT, and Eastern Neighborhoods Districts for a change of use;  
23 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a  
24 Formula Retail Use; demolition, and/or new construction, and/or alteration of residential  
25 buildings; and including the removal of an authorized or unauthorized residential unit, in RH,

1 RM, and RTO Districts shall be subject to the notification and review procedures required by  
2 this Section 311. Subsection 311(e) regarding demolition permits and approval of replacement  
3 structures shall apply to all R-Districts. In addition, all building permit applications that would  
4 establish Cannabis Retail or Medical Cannabis Dispensary Uses, regardless of zoning district,  
5 shall be subject to the review procedures required by this Section 311. Notwithstanding the  
6 foregoing or any other requirement of this Section 311, a change of use to a Child Care  
7 Facility, as defined in Section 102, shall not be subject to the review requirements of this  
8 Section 311.

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

11 (A) Residential, NC and NCT Districts. For all Residential, NC, and  
12 NCT Districts, a change of use is defined as a change to, or the addition of, any of the  
13 following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis  
14 Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage  
15 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,  
16 Post-Secondary Educational Institution, Private Community Facility, Public Community  
17 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco  
18 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A  
19 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions  
20 of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood  
21 Commercial Transit District shall be subject to the provisions of this Section 311.

22 (i) NC Districts in Supervisorial Districts 4 and 11.  
23 Notwithstanding subsection (b)(1)(A), for NC Districts in Supervisorial Districts 4 and 11,  
24 building permit applications for a change of use to the following uses shall be excepted from  
25 the provisions of subsections 311(d) and 311(e):

1 Bar

2 General Entertainment

3 Limited Restaurant

4 Liquor Store

5 Massage Establishment

6 Nighttime Entertainment

7 Outdoor Activity Area

8 Private Community Facility

9 Public Community Facility

10 Restaurant

11 Tobacco Paraphernalia Establishment

12 (ii) Sunset. Unless reenacted, subsections 311(b)(1)(A)(i)-(ii)

13 shall expire by operation of law 24 months after the effective date of the ordinance in Board

14 File No. . Upon its expiration, the City Attorney is authorized to take steps to remove

15 subsections 311(b)(1)(A)(i)-(ii) from the Planning Code.

16 \*\*\*

17 (2d) Notification. Upon determination that an application is in compliance with the  
18 development standards of the Planning Code, the Planning Department shall ~~provide notice of~~  
19 ~~the proposed project pursuant to the requirements of Section 333 of this Code~~ cause a notice  
20 to be posted on the site pursuant to rules established by the Zoning Administrator and shall  
21 cause a written notice describing the proposed project to be sent in the manner described  
22 below. This notice shall be in addition to any notices required by the Building Code and shall  
23 have a format and content determined by the Zoning Administrator. It shall include a  
24 description of the proposal compared to any existing improvements on the site with  
25 dimensions of the basic features, elevations and site plan of the proposed project including

1 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic  
2 reference scale, existing and proposed uses or commercial or institutional business name, if  
3 known. The notice shall describe the project review process and shall set forth the mailing  
4 date of the notice and the expiration date of the notification period.

5 (1) Written notice shall be mailed to the notification group which shall include  
6 the project sponsor, tenants of the subject property, relevant neighborhood organizations as  
7 described in subsection 311(d)(4), all individuals having made a written request for  
8 notification for a specific parcel or parcels and all owners and, to the extent practical,  
9 occupants, of properties in the notification area. For the purposes of Section 311(c)(2),  
10 written notice shall also be mailed to tenants of the subject property in unauthorized  
11 residential units.

12 (A2) The notification area shall be all properties within 150 feet of the subject  
13 lot in the same Assessor's Block and on the block face across from the subject lot. When the  
14 subject lot is a corner lot, the notification area shall further include all property on both block  
15 faces across from the subject lot, and the corner property diagonally across the street.

16 (B3) The latest City-wide Assessor's roll for names and addresses of owners  
17 shall be used for said notice.

18 (C4) The Planning Department shall maintain a list, available for public review,  
19 of neighborhood organizations which that have indicated in writing an interest in specific  
20 properties or areas. The Such organizations having indicated an interest in the subject lot or  
21 its area shall be included in the notification group for the proposed project. Notice to these  
22 groups shall be verified by a declaration of mailing signed under penalty of perjury. In the  
23 event that such an organization is not included in the notification group for a proposed project  
24 as required under this subsection, the proposed project must be re-noticed.  
25

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

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

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

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

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

22           (C) Written project description shall be part of the notice. In addition, the  
23 notice shall describe the project review process, information on how to obtain additional  
24 information and the contact information of the Planning Department.  
25



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

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

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

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

16                   (H) The existing and proposed elevations shall document the change in  
17 building volume: height and depth. Dimensional changes shall be documented, including  
18 overall building height and also parapets, penthouses and other proposed vertical and  
19 horizontal building extensions. The front and rear elevations shall include the full profiles of  
20 the adjacent structures including the adjacent structures' doors, windows and general  
21 massing. Each side elevation shall include the full profile of the adjacent building in the  
22 foreground of the project, and the adjacent windows, lightwells and general massing shall be  
23 illustrated.

24                   (8) Language Access.  
25

1                   (A) All forms of public notice provided pursuant to this Section 311 shall  
2 comply with the requirements of the Language Access Ordinance, Chapter 91 of the  
3 Administrative Code, to provide vital information about the Department's services or programs  
4 in the languages spoken by a Substantial Number of Limited English Speaking Persons, as  
5 defined in Chapter 91.

6                   (B) The notices required by this Section 311 shall contain the information  
7 set forth in Section 311(d)(7)(A)-(D) in the languages spoken by a Substantial Number of  
8 Limited English Speaking Persons, as defined in Administrative Code Chapter 91.

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

12                   (A) A digital copy formatted to print on 11 x 17 inch paper of the posted  
13 notice including the contents set forth in subsection 311(d)(7) for the hearing or application;  
14 and

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

22                   (de) Requests for Planning Commission Review. A request for the Planning  
23 Commission to exercise its discretionary review powers over a specific building permit  
24 application shall be considered by the Planning Commission if received by the Planning  
25 Department no later than 5:00 p.m. of the last day of the notification period as described

1 under this Section 311-Subsection (c)(3) above, subject to guidelines adopted by the  
2 Planning Commission. The project sponsor of a building permit application may request  
3 discretionary review by the Planning Commission to resolve conflicts between the Director of  
4 Planning and the project sponsor concerning requested modifications to comply with the  
5 Residential Design Guidelines, or other applicable design guidelines.

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

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

14  
15  
16 ~~SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN~~  
17 ~~NEIGHBORHOODS MIXED USE DISTRICTS AND FOR CANNABIS RETAIL AND MEDICAL~~  
18 ~~CANNABIS DISPENSARY USES IN ALL NON-RESIDENTIAL ZONING DISTRICTS.~~

19 \* \* \* \*

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

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

24 ~~Adult Business~~

25 ~~Bar~~

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- ~~\_\_\_\_\_ Cannabis Retail~~
- ~~\_\_\_\_\_ General Entertainment~~
- ~~\_\_\_\_\_ Group Housing~~
- ~~\_\_\_\_\_ Limited Restaurant~~
- ~~\_\_\_\_\_ Liquor Store~~
- ~~\_\_\_\_\_ Massage Establishment~~
- ~~\_\_\_\_\_ Medical Cannabis Dispensary~~
- ~~\_\_\_\_\_ Nighttime Entertainment~~
- ~~\_\_\_\_\_ Outdoor Activity Area~~
- ~~\_\_\_\_\_ Post Secondary Educational Institution~~
- ~~\_\_\_\_\_ Private Community Facility~~
- ~~\_\_\_\_\_ Public Community Facility~~
- ~~\_\_\_\_\_ Religious Institution~~
- ~~\_\_\_\_\_ Residential Care Facility~~
- ~~\_\_\_\_\_ Restaurant~~
- ~~\_\_\_\_\_ School~~
- ~~\_\_\_\_\_ Tobacco Paraphernalia Establishment~~
- ~~\_\_\_\_\_ Trade School~~
- ~~\_\_\_\_\_ However, a change of use from a Restaurant to a Limited-~~

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

~~(A) NC Districts in Supervisorial Districts 4 and 11.~~  
~~Notwithstanding subsection (c)(1), for NC Districts in Supervisorial Districts 4 and 11, building~~

1 permit applications for a change of use to, or the establishment of, the following uses shall be  
2 excepted from the provisions of subsections 312(d)(2) (3) and 312(e):

3 Bar

4 General Entertainment

5 Limited Restaurant

6 Liquor Store

7 Massage Establishment

8 Nighttime Entertainment

9 Outdoor Activity Area

10 Private Community Facility

11 Public Community Facility

12 Restaurant

13 Tobacco Paraphernalia Establishment

14 ~~\_\_\_\_\_ (B) — Sunset. Unless reenacted, subsections 312(c)(1)(A) (B)~~  
15 ~~shall expire by operation of law 24 months after the effective date of the ordinance in Board~~  
16 ~~File No. \_\_\_\_\_. Upon its expiration, the City Attorney is authorized to take steps to remove~~  
17 ~~subsections 312(c)(1)(A) (B) from the Planning Code.~~

18 ~~(d) — Building Permit Application Review for Compliance and Notification. Upon~~  
19 ~~acceptance of any application subject to this Section 312, the Planning Department shall~~  
20 ~~review the proposed project for compliance with the Planning Code and any applicable design~~  
21 ~~guidelines approved by the Planning Commission. Applications determined not to be in~~  
22 ~~compliance with the standards of Articles 1.2, 1.5, 2, and 2.5 of the Planning Code, including~~  
23 ~~design guidelines for specific areas adopted by the Planning Commission, or with any~~  
24 ~~applicable conditions of previous approvals regarding the project, shall be held until either the~~  
25

1 application is determined to be in compliance, is disapproved, or a recommendation for  
2 cancellation is sent to the Department of Building Inspection.

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

11 ~~————— (2) ——— Notification. Upon determination that an application is in~~  
12 ~~compliance with the development standards of the Planning Code, the Planning Department~~  
13 ~~shall cause a notice to be posted on the site pursuant to rules established by the Zoning~~  
14 ~~Administrator and shall cause a written notice describing the proposed project to be sent in~~  
15 ~~the manner described below. This notice shall be in addition to any notices required by the~~  
16 ~~Building Code and shall have a format and content determined by the Zoning Administrator. It~~  
17 ~~shall include a description of the proposal compared to any existing improvements on the site~~  
18 ~~with dimensions of the basic features, elevations, and site plan of the proposed project~~  
19 ~~including the position of any adjacent buildings, exterior dimensions and finishes, a graphic~~  
20 ~~reference scale, existing and proposed uses, and commercial or institutional business name,~~  
21 ~~if known. The notice shall describe the project review process and shall set forth the mailing~~  
22 ~~date of the notice and the expiration date of the notification period.~~

23 ~~————— Written notice shall be mailed to the notification group which shall~~  
24 ~~include the project sponsor, tenants of the subject property, relevant neighborhood~~  
25 ~~organizations as described in Subparagraph subsection 312(d)(2)(C) below, all individuals.~~

1 having made a written request for notification for a specific parcel or parcels, and all owners  
2 and, to the extent practical, occupants, of properties in the notification area. For the purposes  
3 of Section 312(h) below, written notice shall also be mailed to tenants of the subject property  
4 in unauthorized residential units.

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

10 \_\_\_\_\_ (B) The latest City wide Assessor's roll for names and  
11 addresses of owners shall be used for said notice.

12 \_\_\_\_\_ (C) The Planning Department shall maintain a list, updated  
13 every six months with current contact information, available for public review, and kept at the  
14 Planning Department's Planning Information Counter, and reception desk, as well as the  
15 Department of Building Inspection's Building Permit Counter, of neighborhood organizations  
16 which have indicated an interest in specific properties or areas. The organizations having  
17 indicated an interest in the subject lot or its area shall be included in the notification group for  
18 the proposed project. Notice to these groups shall be verified by a declaration of mailing  
19 signed under penalty of perjury. In the event that such an organization is not included in the  
20 notification group for a proposed project as required under this subsection 312(d)(2), the  
21 proposed project must be re-noticed.

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

1                   ~~————— (4) — Elimination of Duplicate Notice. The notice provisions of this~~  
2 ~~Section subsection 312(d)(2) may be waived by the Zoning Administrator for building permit~~  
3 ~~applications for projects that have been, or before approval will be, the subject of a duly~~  
4 ~~noticed public hearing before the Planning Commission or Zoning Administrator, provided that~~  
5 ~~the nature of work for which the building permit application is required is both substantially~~  
6 ~~included in the hearing notice and is the subject of the hearing.~~

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

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

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

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

23                   ~~\*\*\*\*~~

24  
25                   **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**



1 \*\*\*\*

2 Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1  
3 ZONING CONTROL TABLE

4 \*\*\*\*

| Zoning Category  | § References            | Controls       |              |              |
|--|-------------------------|----------------|--------------|--------------|
|  |                         | 1st            | 2nd          | 3rd+         |
| <b>NON-RESIDENTIAL USES</b>                            |                         |                |              |              |
| <b>Controls by Story</b>                               |                         |                |              |              |
| ****   |                         |                |              |              |
| <b>Entertainment, Arts and Recreation Use Category</b> |                         |                |              |              |
| Entertainment, Arts and Recreation Uses*               | § 102                   | NP             | NP           | NP           |
| <i>Arts Activities</i>                                 | <i>§ 102</i>            | <i>NP(7)</i>   | <i>NP(6)</i> | <i>NP(6)</i> |
| ****   |                         |                |              |              |
| <b>Sales and Service Use Category</b>                  |                         |                |              |              |
| Retail Sales and Service Uses*                         | § 102                   | P(2)           | NP           | NP           |
| ****   |                         |                |              |              |
| Animal Hospital  | § 102                   | NP             | NP           | NP           |
| <i>Bar</i>   | <i>§§ 102, 202.2(a)</i> | <i>P(2)(6)</i> | <i>NP</i>    | <i>NP</i>    |
| ****   |                         |                |              |              |
| Liquor Store   | § 102                   | P(6)           | NP           | NP           |
| ****   |                         |                |              |              |

23 \* Not listed below

24 (1) Additional 5 feet for NC-1 parcels with a Commercial use on the ground floor  
25 within the following areas:

1 (a) Within the boundaries of Sargent Street to Orizaba Avenue to Lobos  
 2 Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to  
 3 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.

4 (b) On Noriega, Irving, Taraval and Judah Streets west of 19th Avenue.

5 (2) P if located more than  $\frac{1}{4}$  one-fourth mile from any NC District or Restricted Use  
 6 Subdistrict with more restrictive controls; otherwise, same as more restrictive control.

7 (3) [Note deleted.]

8 (4) C required for 7 or more persons.

9 (5) C if a Macro WTS Facility; P if a Micro WTS Facility.

10 (6) C in Supervisorial District 4.

11 (7) P in Supervisorial District 4.

12  
 13 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

14 \* \* \* \*

15 **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**  
 16 **ZONING CONTROL TABLE**

17 \* \* \* \*

| Zoning Category  | § References | Controls     |              |              |
|--|--------------|--------------|--------------|--------------|
|  |              | 1st          | 2nd          | 3rd+         |
| <b>NON-RESIDENTIAL USES</b>                            |              |              |              |              |
| <b>Controls by Story</b>                               |              |              |              |              |
| * * * *  |              |              |              |              |
| <i>Entertainment, Arts and Recreation Use Category</i> |              |              |              |              |
| Entertainment, Arts and Recreation Uses*               | § 102        | NP           | NP           | NP           |
| <i>Arts Activities</i>                                 | <i>§ 102</i> | <i>NP(8)</i> | <i>NP(9)</i> | <i>NP(9)</i> |

|                                       |                  |      |    |    |
|---------------------------------------|------------------|------|----|----|
| ****                                  |                  |      |    |    |
| <b>Sales and Service Use Category</b> |                  |      |    |    |
| ****                                  |                  |      |    |    |
| Bar                                   | §§ 102, 202.2(a) | P(9) | NP | NP |
| ****                                  |                  |      |    |    |
| Liquor Store                          | § 102            | P(9) | NP | NP |
| ****                                  |                  |      |    |    |
| Massage, Foot/Chair                   | § 102            | P(9) | NP | NP |
| ****                                  |                  |      |    |    |

\* Not listed below

(1) Additional 5 feet for NC-2 parcels zoned 40' or 50' with an Active Use on the ground floor within the following areas: Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue.

(2) [Note deleted.]

(3) C required for seven or more persons.

(4) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable only for the Taraval Street NC-2 District between 12th and 19th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Restaurants, Limited-Restaurants are C; Formula Retail Restaurants and Limited-Restaurants are NP.

(5) CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT: NP for properties on Chestnut Street zoned NC-2 from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU.

(6) FRINGE FINANCIAL SPECIAL USE DISTRICT: The FFSUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District, the Haight Street Alcohol Restricted Use District; the Third Street Alcohol

1 Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of  
 2 Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both  
 3 sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use  
 4 District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts  
 5 within its boundaries.

6 Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP  
 7 pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial  
 8 services are P subject to the restrictions set forth in subsection 249.35(c)(3).

9 (7) C if a Macro WTS Facility; P if a Micro WTS Facility.

10 (8) P in Supervisorial District 4.

11 (9) C in Supervisorial District 4.

12  
 13 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL**  
 14 **DISTRICT.**

15 \* \* \* \*

16 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**  
 17 **DISTRICT**  
 18 **ZONING CONTROL TABLE**

19 \* \* \* \*

| Zoning Category  | § References | Controls                 |            |             |
|--|--------------|--------------------------|------------|-------------|
| <b>NON-RESIDENTIAL</b>                                 |              | <b>Controls by Story</b> |            |             |
| <b>STANDARDS AND USES</b>                              |              | <b>1st</b>               | <b>2nd</b> | <b>3rd+</b> |
| * * * *  |              |                          |            |             |
| <b>Entertainment, Arts and Recreation Use Category</b> |              |                          |            |             |

|    |                                       |                  |           |           |            |
|----|---------------------------------------|------------------|-----------|-----------|------------|
| 1  | Entertainment, Arts and               | § 102            | NP        | NP        | NP         |
| 2  | Recreation Uses*                      |                  |           |           |            |
| 3  | Arts Activities                       | § 102            | <u>NP</u> | <u>NP</u> | <u>NP</u>  |
| 4  | ****                                  |                  |           |           |            |
| 5  | Passive Outdoor Recreation            | § 102            | <u>CP</u> | <u>CP</u> | <u>CP</u>  |
| 6  | ****                                  |                  |           |           |            |
| 7  | <b>Institutional Use Category</b>     |                  |           |           |            |
| 8  | Institutional Uses*                   | § 102            | P         | P         | P          |
| 9  | <i>Community Facility</i>             | <u>§ 102</u>     | <u>C</u>  | <u>C</u>  | <u>C</u>   |
| 10 | Hospital                              | § 102            | C         | C         | C          |
| 11 | <i>Job Training</i>                   | <u>§ 102</u>     | <u>NP</u> | <u>P</u>  | <u>P</u>   |
| 12 | Medical Cannabis Dispensary**         | §§ 102, 202.2(e) | DR        | DR        | DR         |
| 13 | Philanthropic Admin. Services         | § 102            | NP        | NP        | NP         |
| 14 | <i>Philanthropic Facility</i>         | <u>§ 102</u>     | <u>NP</u> | <u>P</u>  | <u>P</u>   |
| 15 | <i>Private Community Facility</i>     | <u>§ 102</u>     | <u>C</u>  | <u>C</u>  | <u>C</u>   |
| 16 | Public Facilities                     | § 102            | C         | C         | C          |
| 17 | <i>Religious Institution</i>          | <u>§ 102</u>     | <u>C</u>  | <u>C</u>  | <u>C</u>   |
| 18 | <i>Social Service</i>                 | <u>§ 102</u>     | <u>NP</u> | <u>P</u>  | <u>P</u>   |
| 19 | ****                                  |                  |           |           |            |
| 20 | <b>Sales and Service Use Category</b> |                  |           |           |            |
| 21 | ****                                  |                  |           |           |            |
| 22 | Animal Hospital                       | § 102            | <u>CP</u> | <u>CP</u> | NP         |
| 23 | ****                                  |                  |           |           |            |
| 24 | Massage, Foot/Chair                   | § 102            | <u>PC</u> | C         | <u>NPC</u> |
| 25 |                                       |                  |           |           |            |

|   |                             |              |             |             |             |
|---|-----------------------------|--------------|-------------|-------------|-------------|
| 1 | ****                        |              |             |             |             |
| 2 | Restaurant                  | § 102        | P           | P           | NP          |
| 3 | ****                        |              |             |             |             |
| 4 | Services, Limited Financial | § 102        | <u>PC</u>   | <u>PC</u>   | <u>NPC</u>  |
| 5 | <u>Services, Personal</u>   | <u>§ 102</u> | <u>P(4)</u> | <u>P(4)</u> | <u>P(4)</u> |
| 6 | ****                        |              |             |             |             |

7 \* Not listed below

8 (1) OFF-SALE LIQUOR ESTABLISHMENTS

9 Controls:

10 (a) New Liquor Store uses with Type 20 or Type 21 ABC licenses are not  
 11 permitted in the district; provided, however, that any use within the District with an existing  
 12 Type 20 or Type 21 ABC license may obtain a new license, if required by the ABC, after it has  
 13 been closed temporarily for repair, renovation, remodeling, or reconstruction.

14 (b) Liquor Store uses may relocate within the district with Conditional Use  
 15 authorization.

16 (c) General Grocery, Specialty Grocery, and Liquor Store uses with off-sale  
 17 alcohol licenses shall observe the following good neighbor policies:

18 (i) Liquor establishments shall provide outside lighting in a manner  
 19 sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to  
 20 maintain security, without disturbing area residences;

21 (ii) Advertisements in windows and clear doors are not permitted, and  
 22 no more than 25% of the square footage of the windows and clear doors of liquor  
 23 establishments shall bear signage of any sort, and all signage shall be placed and maintained  
 24 in a manner that ensures that law enforcement personnel have a clear and unobstructed view  
 25

of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.

(2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within the Excelsior Outer Mission Street Neighborhood Commercial District.

Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Section 249.35(c)(3).

(3) C if a Macro WTS Facility; P if a Micro WTS Facility.

(4) C for Personal Service Uses operating as a salon and/or providing cosmetic services.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

\*\*\*\*

Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE

\*\*\*\*

| Zoning Category  | § References | Controls          |          |          |
|--|--------------|-------------------|----------|----------|
|  |              | Controls by Story |          |          |
| NON-RESIDENTIAL<br>STANDARDS AND USES                  |              | 1st               | 2nd      | 3rd+     |
| ****   |              |                   |          |          |
| <b>Entertainment, Arts and Recreation Use Category</b> |              |                   |          |          |
| Entertainment, Arts and Recreation Uses*               | § 102        | NP                | NP       | NP       |
| <u>Arts Activities</u>                                 | <u>§ 102</u> | <u>P</u>          | <u>C</u> | <u>C</u> |
| ****   |              |                   |          |          |

| Sales and Service Use Category |       |           |    |    |
|--------------------------------|-------|-----------|----|----|
| ****                           |       |           |    |    |
| Massage, Foot/Chair            | § 102 | <u>PC</u> | NP | NP |
| ****                           |       |           |    |    |

SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

\*\*\*\*

Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE

\*\*\*\*

| Zoning Category                                 | § References | Controls          |          |          |
|---|--------------|-------------------|----------|----------|
| NON-RESIDENTIAL<br>STANDARDS AND USES           |              | Controls by Story |          |          |
|   |              | 1st               | 2nd      | 3rd+     |
| ****  |              |                   |          |          |
| Entertainment, Arts and Recreation Use Category |              |                   |          |          |
| Entertainment, Arts and<br>Recreation Uses*     | § 102        | NP                | NP       | NP       |
| <u>Arts Activities</u>                          | <u>§ 102</u> | <u>P</u>          | <u>C</u> | <u>C</u> |
| ****  |              |                   |          |          |
| Sales and Service Use Category                  |              |                   |          |          |
| ****  |              |                   |          |          |
| Massage, Foot/Chair                             | § 102        | <u>PC</u>         | NP       | NP       |
| ****  |              |                   |          |          |



1 SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

2 \* \* \* \*

3 Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
4 ZONING CONTROL TABLE

5 \* \* \* \*

| Zoning Category  | § References | Controls                 |            |             |
|--|--------------|--------------------------|------------|-------------|
| <b>NON-RESIDENTIAL</b>                                 |              | <b>Controls by Story</b> |            |             |
| <b>STANDARDS AND USES</b>                              |              | <b>1st</b>               | <b>2nd</b> | <b>3rd+</b> |
| * * * *  |              |                          |            |             |
| <b>Entertainment, Arts and Recreation Use Category</b> |              |                          |            |             |
| Entertainment, Arts and Recreation Uses*               | § 102        | NP                       | NP         | NP          |
| <u>Arts Activities</u>                                 | <u>§ 102</u> | <u>P</u>                 | <u>C</u>   | <u>C</u>    |
| * * * *  |              |                          |            |             |
| <b>Sales and Service Use Category</b>                  |              |                          |            |             |
| * * * *  |              |                          |            |             |
| Massage, Foot/Chair                                    | § 102        | <u>PC</u>                | NP         | NP          |
| * * * *  |              |                          |            |             |

19 \* \* \* \*

21 SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

22 \* \* \* \*

23 Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
24 ZONING CONTROL TABLE

25 \* \* \* \*

| Zoning Category  | § References | Controls          |          |          |
|--|--------------|-------------------|----------|----------|
|  |              | Controls by Story |          |          |
|  |              | 1st               | 2nd      | 3rd+     |
| <b>NON-RESIDENTIAL STANDARDS AND USES</b>              |              |                   |          |          |
| ****   |              |                   |          |          |
| <b>Entertainment, Arts and Recreation Use Category</b> |              |                   |          |          |
| Entertainment, Arts and Recreation Uses*               | § 102        | NP                | NP       | NP       |
| <u>Arts Activities</u>                                 | <u>§ 102</u> | <u>P</u>          | <u>C</u> | <u>C</u> |
| ****   |              |                   |          |          |
| <b>Sales and Service Use Category</b>                  |              |                   |          |          |
| ****   |              |                   |          |          |
| Massage, Foot/Chair                                    | § 102        | <u>PC</u>         | NP       | NP       |
| ****   |              |                   |          |          |

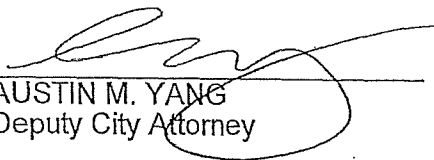
Section 3. Report to the Board of Supervisors. 20 months after the effective date of the ordinance in Board File No. 180482, the Planning Department and the Mayor's Office of Economic and Workforce Development shall jointly submit a report to the Board of Supervisors describing the number of permit applications submitted pursuant to Section 312(c)(1)(A) and an evaluation of the impacts of that subsection.

Section 34. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By:

  
11 AUSTIN M. YANG  
12 Deputy City Attorney

13 n:\leganatas2018\1800575\01290846.docx  
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15  
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25

**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 7/23/18)

[Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial Districts in Supervisorial Districts 4 and 11]

**Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

Existing Law

Planning Code Section 312 requires the Planning Department to review an application for a building permit in Neighborhood Commercial Districts (NCDs) for consistency with the Planning Code and applicable design guidelines for specified Uses. Existing law also requires the Planning Department to conduct a neighborhood notification, which goes out to residents and property owners located within 150 feet of the subject property and registered neighborhood groups for a 30-day public review period. A request for the Planning Commission to exercise its discretionary review authority must be made in this 30-day period.

Planning Code section 710 sets forth the zoning controls for Neighborhood Commercial Cluster Districts (NC-1) across the City. Planning Code section 711 sets forth the zoning controls for Small-Scale Neighborhood Commercial Districts (NC-2) across the City. The Planning Code recognizes that some NCDs are unique in character. For those districts, the City has developed individually named NCDs. Examples include: the Excelsior Outer Mission NCD, the Noriega NCD, the Irving Street NCD, the Taraval Street NCD, and the Judah Street NCD.

Amendments to Current Law

This amendment would create a two-year pilot program in Supervisorial Districts 4 and 11 to remove from the notice requirements of Section 312(d) permit applications for the following Uses: Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, Tobacco Paraphernalia Establishment. This amendment would also remove the ability to request the Planning Commission to exercise its discretionary

FILE NO. 180482

review authority over those permit applications. Under the terms of the ordinance, the pilot program would expire 24 months from the date of enactment, unless it is reenacted.

The amendment would also change the zoning controls certain uses within supervisorial districts 4 and 11.

All references to Supervisorial Districts are pursuant to district maps as of the date of enactment.

#### Background Information

The ordinance shall be known as the Small Business Attraction Program in Supervisorial Districts 4 and 11. By removing the 30-day notice requirement and ability to request discretionary review by the Planning Commission, this pilot program in Supervisorial Districts 4 and 11 is intended to remove some of the barriers for small businesses in those districts.

Changes to the zoning controls are intended to reflect the policy and priorities appropriate for each supervisorial district.

This version makes changes to the zoning controls in the named NCs in supervisorial district 4 (Noriega, Irving, Taraval, and Judah) for Arts Activities. This version also creates a requirement for the Planning Department and the Mayor's Office of Economic and Workforce Development to jointly prepare a report to evaluate the successes of the pilot program 20 months after the passage of this ordinance.

This version reconciles changes in this amendment and recent amendments to sections 311 and 312 made in Board file 180423.

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# SAN FRANCISCO PLANNING DEPARTMENT

July 13, 2018

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Number 2018-007346PCA:  
Permit Review Procedures and Zoning Controls – Neighborhood Commercial  
Districts in Supervisorial Districts 4 and 11  
Board File No. 180482  
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisors Tang and Safai,

On July 12, 2018, the Planning Commission conducted duly noticed public hearing at regularly scheduled meetings to consider the proposed Ordinance, introduced by Supervisors Tang and Safai that would create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11 as well as modify zoning controls for certain uses in those Supervisorial Districts. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

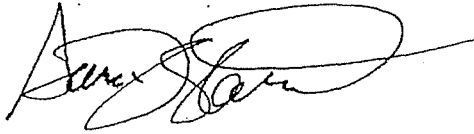
- Principally permit the following Institutional Uses within the Excelsior Outer Mission Street NCD at all stories:
  - Community facility
  - Job Training
  - Philanthropic Facility
  - Private Community Facility
  - Religious Institution
  - Social Service
- Principally permit Arts Activities uses at the first story and require Conditional Use authorization at the second story and above in the named Neighborhood Commercial Districts completely within Supervisorial District 4 (Irving Street Neighborhood Commercial District, Judah Street Neighborhood Commercial District, Noriega Street Neighborhood Commercial District, Taraval Street Neighborhood Commercial District).
- Include a reporting requirement to track the changes of use to the use types excepted from notification and from Planning Commission review request within Supervisorial Districts 4 and 11.
- Reconcile this Ordinance (BF 180482) with the Streamlining Ordinance (BF 180423).

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisors, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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,



Aaron D. Starr  
Manager of Legislative Affairs

cc:

Austin M. Yang, Deputy City Attorney  
Menaka Mohan, Aide to Supervisor Tang  
Suhagey Sandoval, Aide to Supervisor Safai  
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20230

HEARING DATE JULY 12, 2018

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

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Planning  
Information:  
415.558.6377

*Project Name:* Permit Review Procedures and Zoning Controls – Neighborhood Commercial Districts in Supervisorial Districts 4 and 11

*Case Number:* 2018-007346PCA [Board File No. 180482]

*Initiated by:* Supervisor Tang / Introduced May 8, 2018

*Staff Contact:* Diego R Sánchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082

*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CREATE A TWO-YEAR PILOT PROGRAM REMOVING PUBLIC NOTICE AND PLANNING COMMISSION REVIEW FOR CERTAIN USES IN NEIGHBORHOOD COMMERCIAL DISTRICTS IN SUPERVISORIAL DISTRICTS 4 AND 11; MODIFYING ZONING CONTROLS FOR CERTAIN USES IN SUPERVISORIAL DISTRICTS 4 AND 11; 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 MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE SECTION 302.**

WHEREAS, on May 8, 2018 Supervisor Tang introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180482, which would amend the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; and modifying zoning controls for certain uses in Supervisorial Districts 4 and 11;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 12, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning 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 Planning Commission has reviewed the proposed Ordinance; and

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

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The modifications include:

Principally permit the following Institutional Uses within the Excelsior Outer Mission Street NCD at all stories:

- a. Community Facility
- b. Job Training
- c. Philanthropic Facility
- d. Private Community Facility
- e. Religious Institution
- f. Social Service

Principally permit Arts Activities uses at the first story and require Conditional Use authorization at the second story and above in the named Neighborhood Commercial Districts completely within Supervisorial District 4 (Irving Street Neighborhood Commercial District, Judah Street Neighborhood Commercial District, Noriega Street Neighborhood Commercial District, Taraval Street Neighborhood Commercial District).

Include a reporting requirement to track the changes of use to the use types excepted from notification and from Planning Commission review request within Supervisorial Districts 4 and 11.

Reconcile this Ordinance (BF 180482) with the Streamlining Ordinance (BF 180423).

## 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. Reducing permit review times for uses that are principally permitted or are identified as drivers of economic growth is beneficial to the City's retail corridors.
2. Further, individually tailoring the land use controls for specific neighborhoods helps the NCDs respond to the needs of adjacent residents.
3. The Commission believes that Institutional uses have an integral role in the health of the City's residents and retail corridors. Facilitating their entry into the City's NCDs, and especially at the

street level, is paramount. Land use controls on Institutional uses be most permissive at the first story.

4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

#### COMMERCE AND INDUSTRY ELEMENT

##### OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

##### Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

##### Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

*The proposed Ordinance would help attract neighborhood serving uses, like eating and drinking uses, to the NCDs in Supervisorial District 4 and Supervisorial District 11 by reducing permit review timelines. These uses are often small businesses responding to the latest changes in the marketplace.*

#### COMMUNITY FACILITIES ELEMENT

##### OBJECTIVE 3

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD FOR NEIGHBORHOOD ACTIVITIES.

##### Policy 3.1

Provide neighborhood centers in areas lacking adequate community facilities.

##### Policy 3.3

Develop centers to serve an identifiable neighborhood.

##### Policy 3.4

Locate neighborhood centers so they are easily accessible and near the natural center of activity.

*The proposed Ordinance would amend land use controls on institutional uses to assure that compatible neighborhood centers are allowed within the Excelsior Outer Mission NCD.*

#### BALBOA PARK STATION AREA PLAN

##### OBJECTIVE 1.3

ESTABLISH AN ACTIVE, MIXED-USE NEIGHBORHOOD AROUND THE TRANSIT STATION.

**Policy 1.3.2**

Encourage centers for cultural enrichment in the Transit Station Neighborhood.

*The proposed Ordinance would facilitate the entry of Arts Activity uses to the Balboa Park Station Area Plan by reducing permit review time lines for these uses in the Small Scale Neighbor Hood Commercial Transit District (NCT-2) zoning districts*

5. **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 will benefit neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail because the Ordinance proposes to relax land use controls on neighborhood serving retail uses.*

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 housing and will improve neighborhood character because it proposes land use controls that will benefit both.*

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

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing because the proposed Ordinance concerns itself with retail land use controls.*

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 because the Ordinance amends regulations on retail land uses.*

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

*The proposed Ordinance will not have an adverse effect on City's preparedness against injury and loss of life in an earthquake because the Ordinance proposes to amend land use controls on retail uses.*

7. That the landmarks and historic buildings be preserved;

*Because the Ordinance proposes only to amend controls land use controls on retail uses within specific NCDs, the Ordinance will not have an adverse effect on the City's Landmarks and historic buildings.*

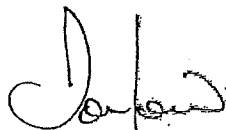
8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas because the Ordinance proposes changes to land use controls regulating retail uses in specific NCDs.*

6. **Planning Code Section 302 Findings.** The Planning 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 APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 12, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards.

NOES: None

ABSENT: Fong

ADOPTED: July 12, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Amendment

HEARING DATE: JULY 12, 2018

90-DAY DEADLINE: AUGUST 14, 2018

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Permit Review Procedures and Zoning Controls – Neighborhood Commercial Districts in Supervisorial Districts 4 and 11

*Case Number:* 2018-007346PCA [Board File No. 180482]

*Initiated by:* Supervisor Tang / Introduced May 8, 2018

*Staff Contact:* Diego R Sánchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082

*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

*Recommendation:* Approval with Modifications

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11. The Ordinance would also modify zoning controls for certain uses in Supervisorial Districts 4 and 11.

#### The Way It Is Now:

1. In Supervisorial Districts 4 and 11 the following uses are subject to notification and requests for Planning Commission review to exercise its Discretionary Review powers pursuant to Planning Code Section 312: Adult Business, Bar, Cannabis Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution, Private Community Facility, Public Community Facility, Religious Institution, Restaurant, Residential Care Facility, School, Tobacco Paraphernalia Establishment, Trade School
2. In the Neighborhood Commercial Cluster (NC-1) Districts Arts Activities uses are not permitted at any story; Bar uses are principally permitted at the first story if they are located more than one-fourth mile from any NC District or Restricted Use Subdistrict with more restrictive controls; and Liquor Store uses are principally permitted at the first story. (*See Exhibit B for Summary Chart*)
3. In the Small-Scale Neighborhood Commercial (NC-2) Districts Arts Activities uses are not permitted at any story; Bar uses are principally permitted at the first story; Liquor Store uses are principally permitted at the first story; and Foot/Chair Massage uses are principally permitted at the first story. (*See Exhibit B for Summary Chart*)
4. In the Excelsior Outer Mission Street Neighborhood Commercial District, Arts Activities are prohibited at all stories; Passive Outdoor Recreation uses requires Conditional Use authorization at all stories; Community Facility uses, Job Training uses, Philanthropic Facility uses, Private Community Facility uses, Religious Institution uses, and Social Service uses are principally permitted

at all stories; Animal Hospital uses are allowed at the first and second stories with Conditional Use authorization and prohibited at the third story; Foot/Chair Massage uses are principally permitted at the first story, allowed with Conditional Use authorization at the second story and prohibited at the third story and above; Restaurant uses are prohibited at the third story and above; Limited Financial Services are principally permitted at the first and second stories and prohibited at the third story and above; and Personal Service uses operating as a salon and/or providing cosmetic services are principally permitted at all stories. (See Exhibit B for Summary Chart)

5. In the Noriega Street, Irving Street, Taraval Street, and Judah Street Neighborhood Commercial Districts Foot/Chair Massage is principally permitted at the first story.

#### The Way It Would Be:

1. In Supervisorial Districts 4 and 11 the following uses would be exempted from notification and requests for Planning Commission review to exercise its Discretionary Review powers pursuant to Planning Code Section 312 for a period of 24 months after the effective date of the Ordinance: Bar, General Entertainment Limited Restaurant, Liquor Store, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, Tobacco Paraphernalia Establishments
2. In the Neighborhood Commercial Cluster (NC-1) Districts in Supervisorial District 4, Arts Activities uses would be principally permitted at the first story and require Conditional Use authorization at the second story and above; Bar uses would require Conditional Use authorization at the first story; and Liquor Store uses would require Conditional Use authorization at the first story. (See Exhibit B for Summary Chart)
3. In the Small-Scale Neighborhood Commercial (NC-2) Districts in Supervisorial District 4, Arts Activities would be principally permitted at the first story and require Conditional Use authorization at the second story and above; Bars would require Conditional Use authorization at the first story; Liquor Store uses would require Conditional Use authorization at the first story; and Foot/Chair Massage uses would require Conditional Use authorization at the first story. (See Exhibit B for Summary Chart)
4. In the Excelsior Outer Mission Street Neighborhood Commercial District, Arts Activities and Passive Outdoor Recreation uses would be principally permitted at all stories; Community Facility uses, Private Community Facility uses and Religious Institution uses would require Conditional Use authorization at all stories; Job Training uses, Philanthropic Facility uses and Social Service uses would be prohibited at the first story and principally permitted at the second story and above; Animal Hospital uses would be principally permitted at the first and second stories; Foot/Chair Massage would be allowed with Conditional Use authorization at all stories; Restaurant uses would be principally permitted at all stories; Limited Financial Services would be allowed with Conditional Use authorization at all stories; and Personal Service uses operating as a salon and/or providing cosmetic services would require Conditional Use authorization at all stories. (See Exhibit B for Summary Chart)
5. In the Noriega Street, Irving Street, Taraval Street, and Judah Street Neighborhood Commercial Districts Foot/Chair Massage would require Conditional Use authorization at the first story

## ISSUES AND CONSIDERATIONS

### Planning Code Section 312

#### Purpose and Procedures

The purpose of Planning Code Section 312 is to establish procedures for reviewing building permit applications (BPAs) in the City's Neighborhood Commercial Districts (NCDs). These procedures help determine compliance of proposed uses with Planning Code development standards. They also serve to provide written notice of the proposal. Written notice is sent to property owners and occupants within 150 feet of the project site as well as to interested neighborhood organizations.<sup>1</sup>

BPAs subject to Section 312 cannot be approved over the counter. These BPAs require Planning Department staff (Staff) review and coordination with Planning Department administrative staff to conduct the required notice. This process, given existing Staff workload and the 30 day notice period, often takes 90 to 120 days to complete. While this is shorter than the typical Conditional Use authorization (CU) process, it seems lengthy for applicants especially for uses identified in the Planning Code as principally permitted. The required permit review period can also be extended if a request for Discretionary Review (DR) is filed. Given the required Staff analysis and Planning Commission hearing, a DR can add another 90 days to the permit review period for a principally permitted use.

#### Uses Subject to Planning Code Section 312

When first enacted, neighborhood notice was required for all BPAs proposing a change of use in the NCDs.<sup>2</sup> Shortly after, these requirements were circumscribed to subject only twelve uses to Section 312 notice.<sup>3</sup> Today the 20 uses listed below require notification within the NCDs. It is relevant to note that the number of uses subject to Section 312 has changed over time, according to the needs of the day.

- Adult Business
- Bar
- Cannabis Retail
- General Entertainment
- Group Housing
- Limited Restaurant
- Liquor Store

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<sup>1</sup> Board File 180423, which proposes changes to the Planning Code notification procedures and which will be before the Mayor for signature, maintains the notification to property owners and occupants within 150 feet of the project site as well as to relevant neighborhood organizations for permit review in the City's NCDs.

<https://sfgov.legistar.com/View.ashx?M=F&ID=6333993&GUID=F0EE1B72-41D5-4192-A268-A63EEBB24DD0>

<sup>2</sup> Ordinance No. 279-00

<https://sfgov.legistar.com/View.ashx?M=F&ID=2581135&GUID=B71B45D5-4601-46E7-A984-686A2676DCDD>

<sup>3</sup> Ordinance No. 258-04

<https://sfgov.legistar.com/View.ashx?M=F&ID=2579122&GUID=1279D410-9687-4FB3-8F28-21463DD731FD>

- Massage Establishment
- Medical Cannabis Dispensary
- Nighttime Entertainment
- Outdoor Activity Area
- Post-Secondary Educational Institution
- Private Community Facility
- Public Community Facility
- Religious Institution
- Residential Care Facility
- Restaurant
- School
- Tobacco Paraphernalia Establishment
- Trade School

#### Single and Dual Notification

In certain zoning districts, uses subject to Section 312 also require CU. This means that property owners within 300 feet of the project site will also be noticed, in accordance with the CU notice requirements.<sup>4</sup> This is in addition to, and concurrent with, providing written notice in accordance with Section 312.

It is important to note that some uses requiring CU may either not be subject to or are exempted from the Section 312 notice requirements. In these cases the proposed project will still have to undergo the CU required neighborhood notification process and the mandatory Planning Commission hearing.

#### The Intent and Amendment of Neighborhood Commercial Districts

##### Intent of the Neighborhood Commercial Districts

In 1987 the Planning Code was amended to create the Neighborhood Commercial Districts. The NCDs are intended to manage the health and growth of the City's retail corridors by striking a balance between the different types of uses allowed.<sup>5</sup> To this end, a stated purpose of the NCDs is to allow the application of particular controls to each NCD to address their specific land use issues.<sup>6</sup>

The concern for balance between different types of uses extends beyond the street level to include the building stories above. Story controls, an important innovation of the NCDs, allow the application of zoning controls to particular building floors. These controls help direct specific uses to locations where they make the most sense. For example, uses that depend upon or readily attract foot traffic are appropriate for the street level. Locating these types of uses at the street level can provide benefits to other uses, as patrons to these establishments may easily visit nearby businesses. Other uses that can subsist on an appointment basis may be better suited to commercial spaces above the street.

##### Amending the NCDs

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<sup>4</sup> Planning Code Section 306.3, Notice of Hearings

<sup>5</sup> Ordinance 69-87

<sup>6</sup> Planning Code Section 701.1(c)



San Francisco's neighborhoods are generally served by one or more NCD. Because neighborhood residents depend on these retail corridors for goods and services, it makes sense to periodically amend the NCD land use controls. Amendments should reflect the adjacent resident's changing needs and assure the corridor's on-going health. For example, if an overconcentration of one particular use type emerges, amending the land use controls to require CU for the use can help achieve a balance between competing uses. Conversely, when a retail corridor is lacking a particular use it makes sense to relax land use controls and help facilitate the entry of that use. Since the concentration of uses within NCDs is typically unique, and because the needs of adjacent residents can also be distinct, the specific amendments are also often distinct.

#### Trends in the Retail Sector

In 2018, the San Francisco Office of Economic and Workforce Development (OEWD) released the State of the Retail Sector: Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts report (Report).<sup>7</sup> Very broadly, the Report looked at changing national retail trends and their effect upon the City's NCDs. It provided an in-depth look at three topics: the restructuring of the retail sector; the factors required to support successful retail corridors in San Francisco; and the opportunities and challenges facing San Francisco retail establishments and the possible adaptations.

With respect to the factors required to support a successful retail corridor the Report found five factors that support success. These factors are: Trade Area Characteristics, Anchors and Mix of Uses, Physical Form and Built Environment, Transportation and Access, and District Management and Capacity.

The Report highlights the importance of anchors and mixes of retail and non-retail uses because they generate foot traffic. An anchor is a use, retail or non-retail, which attracts foot traffic to the retail corridor. Anchors include grocery stores, a cluster of related retail stores or eating and drinking uses, or a civic, cultural, entertainment or institutional use. Regarding a mix of uses, the Report recommends a retail corridor include goods and services that serve daily needs as well as for comparison shopping; personal services, eating and drinking uses, and entertainment uses; independent and Formula Retail uses; ground floor uses that reflect community character; affordable neighborhood-serving goods, services, and experiences; and some amount of office and housing uses. This mix is recommended because businesses rely on each other and other uses to generate foot traffic. For example, an individual may come to a retail corridor to buy groceries or attend a cultural event, but also stay to shop at other corridor businesses. It is important that a retail corridor capture this synergy between establishments, be they anchors or otherwise.

---

<sup>7</sup> State of the Retail Sector: Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts Strategic Economics

Executive Summary, January 2018

[http://oewd.org/sites/default/files/Invest%20In%20Neighborhoods/State%20of%20the%20Retail%20Sector%20-%20Executive%20Summary\\_0.pdf](http://oewd.org/sites/default/files/Invest%20In%20Neighborhoods/State%20of%20the%20Retail%20Sector%20-%20Executive%20Summary_0.pdf)

Final Report, February 15, 2018

<http://oewd.org/sites/default/files/Invest%20In%20Neighborhoods/State%20of%20the%20Retail%20Sector%20-%20Final%20Report.pdf>

Modifying a retail corridor's land use controls to facilitate the entry of anchor tenants and to create a healthy mix of uses can help assure its success. This would include judiciously applying the CU requirement on retail and institutional uses since they serve to attract patrons to the retail corridor. It also can include exempting these uses from Section 312 neighborhood notice or from prohibitions. This is especially true for land use controls on street level uses, since they are most visible and accessible to foot traffic.

#### **Institutional Uses**

Under the Planning Code the following uses are included as Institutional Uses:<sup>8</sup>

- Community Facility
- Private Community Facility
- Job Training
- Religious Institution
- Social Service or Philanthropic Facility

These uses provide health, occupational/educational, cultural, social, or recreational services. These uses can become important pillars to a community and can serve as a focus of community activity and social interaction. They are also generators of foot traffic, which benefits other retail or commercial uses in their vicinity.

Convenient access to Institutional uses improves quality of life for nearby residents. The City's General Plan recognizes the value of these community serving uses in the Community Facilities Element.<sup>9</sup> The Community Facilities Element assumes that quality of community life is enhanced when services and facilities that meet diverse human needs are readily available. It also assumes that meeting social needs and enriching human life requires the development of adequate and flexible facilities to house needed services.

In this light, it makes sense to tailor land use controls to preserve and enhance existing community serving Institutional uses. It is also important to allow new Institutional uses in a neighborhood's central corridor to help meet unmet needs. The locational criteria in the Community Facilities Element support siting these uses in these areas. Principally permitting these uses in lieu of requiring Conditional Use authorization or prohibiting them can accomplish this. Because the street level is most visible and conveniently accessible, it is especially critical that land use controls are most relaxed at the first story for Institutional uses.

#### **General Plan Compliance**

##### Commerce and Industry Element

<sup>8</sup> Planning Code Section 102

<sup>9</sup> San Francisco General Plan, Community Facilities Element, Objective 3: Assure that neighborhood residents have access to needed services and a focus for neighborhood activities.

Objective 6: Maintain and strengthen viable neighborhood commercial areas easily accessible to City residents.

Policy 6.1: Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts

Policy 6.2: Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society

*The proposed Ordinance would help attract neighborhood serving uses, like eating and drinking uses, to the NCDs in Supervisorial District 4 and Supervisorial District 11 by reducing permit review timelines. These uses are often small businesses responding to the latest changes in the marketplace.*

#### Community Facilities Element

Objective 3: Assure that neighborhood residents have access to needed services and a focus for neighborhood activities

Policy 3.1: Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3.3: Develop centers to serve an identifiable neighborhood

Policy 3.4: Locate neighborhood centers so they are easily accessible and near the natural center of activity.

*The proposed Ordinance would amend land use controls on institutional uses to assure that compatible neighborhood centers are allowed within the Excelsior Outer Mission NCD*

#### Balboa Park Station Area Plan

Objective 1.3: Establish an active, mixed-use neighborhood around the transit station

Policy 1.3.2: Encourage centers for cultural enrichment in the Transit Station Neighborhood.

*The proposed Ordinance would facilitate the entry of Arts Activity uses to the Balboa Park Station Area Plan by reducing permit review time lines for these uses in the Small Scale Neighbor Hood Commercial Transit District (NCT-2) zoning districts.*

#### Implementation

The Department has determined that the Ordinance will have no adverse effect on our current implementation procedures for non-residential projects.

#### RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Principally permit the following Institutional Uses within the Excelsior Outer Mission Street NCD at all stories:
  - a. Community Facility
  - b. Job Training
  - c. Philanthropic Facility
  - d. Private Community Facility

- e. Religious Institution
- f. Social Service

### **BASIS FOR RECOMMENDATION**

The Department supports the overall goals of the Ordinance. Reducing permit review times for uses that are principally permitted or are identified as drivers of economic growth is beneficial to the City's retail corridors. Further, individually tailoring the land use controls for specific neighborhoods helps the NCDs respond to the needs of adjacent residents. The Department, however, believes that Institutional uses have an integral role in the health of the City's residents and retail corridors. Facilitating their entry into the City's NCDs, and especially at the street level, is paramount. To this end the Department is making the following recommendation:

**Recommendation 1:** Amend Planning Code Section 720 to principally permit certain Institutional Uses in the Excelsior Outer Mission NCD at all stories. Institutional uses provide valuable services to the City's residents and also serve as gathering places for many communities. As noted in OEWD's report on the retail sector, Institutional uses can serve as retail corridor anchors, improving the prospects for other businesses in an NCD. Further, the City's General Plan also highlights the importance of Institutional uses to the City's residents and encourages their location within a community's center of activity. It is reasonable that given the visibility and convenient access of street level spaces that land use controls on Institutional uses be most permissive at the first story.

### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

### **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

#### **Attachments:**

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Summary Charts of Existing Land Use Controls and Proposed Changes
- Exhibit C: Board of Supervisors File No. 180482

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 16, 2018

File No. 180482

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On May 8, 2018, Supervisor Tang introduced the following proposed legislation:

**File No. 180482**

**Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, ou=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sf.gov, c=US  
Date: 2018.05.16 09:39:47Z

180519  
180482  
180320

**Dick-Endrizzi, Regina (ECN)**

**From:** Dick-Endrizzi, Regina (ECN)  
**Sent:** Monday, July 16, 2018 1:14 PM  
**To:** Tang, Katy (katy.tang@sfgov.org); Kim, Jane (BOS); Safai, Ahsha (BOS)  
**Cc:** Lisa Pagan (lisa.pagan@sfgov.org); Raphael, Deborah (ENV); Summers, Ashley (BOS); Mohari, Menaka (BOS)  
**Subject:** Items 1, 3 and 4 at today's land use

Supervisors,

My apologies but I will not be able to attend today's Land Use and Transportation Committee. I will be in Chinatown for a workshop on the Accessible Business Entrance Program.

The Commission's official response is not in the packet and that must be my error. In short the Small Business Commission heard these items at its June 25, 2018 meeting and recommends approval with a couple of additional notes.

Item #1: Single-Use Food Ware Plastics, Toxics, and Litter Reduction - the Commission recommended approval. There were still some nuances at the time of the hearing to be worked out regarding Events that the SBC recommends working with OEWD to finalize. The Small Business Commission recommends the Board of Supervisors ensures the Department of Environment has adequate funding to do a consumer outreach campaign at least 4 months before implementation date. This is to minimize educating the consumer at the time of service. The Small Business Commission has a great deal of trust with the Department of Environment in being well thought out and researched identifying replacement products.

Item #3: Permit Review Procedures and Zoning Controls - Neighborhood Commercial Districts in Supervisorial Districts 4 and 11- The Small Business Commission supports Supervisor Tang and Safai's amending the zoning controls regarding the 312 notice for business are zoned for permitted uses but require a change of use to open in the location desired. The Small Business Commission supports the intention of increasing the attraction to opening a business in these two districts. This is a pilot program that will be measure and tracked and the Small Business Commission looks forward to a report at the end of the 24 month period.

The Small Business Commission did not weigh in on the zoning changes made to "Art Organizations, Job Training, Philanthropic Facility, Private Community Facility, Religious Institutions and Social Services", as these are generally non-profits entities. It is more appropriate for the Office of Economic and Workforce Development to provide input to these changes.

Item #4: Planning Code - Catering as an Accessory Use in Neighborhood Commercial Districts. The Small Business Commission recommends approval. This has been made in the past. The Small Business Commission supports the Planning Commission's recommendation to all in all zoning districts and recommends you adopt the Planning Commission's recommendation.

Kindly,  
Regina Dick-Endrizzi | Executive Director | Office of Small Business  
[regina.dick-endrizzi@sfgov.org](mailto:regina.dick-endrizzi@sfgov.org) | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573  
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Member, Board of Supervisors  
District 4



City and County of San Francisco

**KATY TANG**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JUL 18 PM 1:05

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**DATE:** July 18, 2018

**TO:** Angela Calvillo  
Clerk of the Board of Supervisors

**FROM:** Supervisor Katy Tang, Chair, Land Use and Transportation Committee

**RE:** Land Use and Transportation Committee  
COMMITTEE REPORTS

---

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 24, 2018, as Committee Reports:

**180320 Planning Code - Catering as an Accessory Use**

Ordinance amending the Planning Code to allow Catering as an Accessory Use to Limited Restaurants under certain conditions; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

**180482 Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial Districts in Supervisorial Districts 4 and 11**

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Member, Board of Supervisors  
District 4



City and County of San Francisco

**KATY TANG**

**COMMITTEE REPORT MEMORANDUM**  
**Land Use and Transportation Committee**

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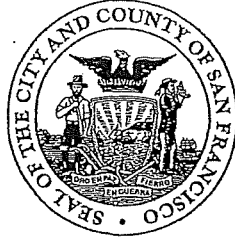
**180557 Planning Code - Technical Amendments**

Ordinance amending the Planning Code in order to correct errors in enacted legislation, update outdated references, clarify existing requirements, and re-enact existing text inadvertently deleted in the reorganization of Articles 2 and 7; 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 general welfare under Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 23, 2018, at 1:30 p.m.



BOARD of SUPERVISORS.



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 16, 2018

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On May 8, 2018, Supervisor Tang introduced the following legislation:

**File No. 180482**

**Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Laura Lynch, Environmental Planning  
Joy Navarrete, Environmental Planning

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May 16, 2018

File No. 180482

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On May 8, 2018, Supervisor Tang introduced the following proposed legislation:

**File No. 180482**

**Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
THURSDAY - 8 PM 4: 10

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor: [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

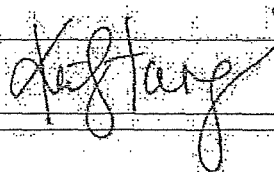
Tang, Safai

Subject:

Planning Code - Permit Review Procedures and Zoning Controls for Neighborhood Commercial Districts in Supervisorial Districts 4 and 11

The text is listed below or attached:

Signature of Sponsoring Supervisor: \_\_\_\_\_



For Clerk's Use Only:

