

1 [Fair Housing Requirements for Conditional Uses]

2 AMENDING ARTICLE 3, SECTION 303, OF THE SAN FRANCISCO PLANNING CODE TO
3 PROVIDE THAT, IN CONSIDERING APPLICATIONS FOR CONDITIONAL USES FOR
4 "DWELLINGS" IN WHICH "PROTECTED CLASS MEMBERS" (EACH AS DEFINED IN SAN
5 FRANCISCO ADMINISTRATIVE CODE CHAPTER 87) ARE LIKELY TO RESIDE, THE
6 PLANNING COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 87
7 OF THE SAN FRANCISCO ADMINISTRATIVE CODE.

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

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

12 Section 1. Article 3 of the San Francisco Planning Code is hereby amended by
13 amending Section 303 to read as follows:

14 **SEC. 303. CONDITIONAL USES.** (a) **General.** The City Planning Commission shall hear and
15 make determinations regarding applications for the authorization of conditional uses in the
16 specific situations in which such authorization is provided for elsewhere in this Code. The
17 procedures for conditional uses shall be as specified in this Section and in Sections 306
18 through 306.6, except that Planned Unit Developments shall in addition be subject to Section
19 304, medical institutions and post-secondary educational institutions shall in addition be
20 subject to the institutional master plan requirements of Section 304.5, and conditional use and
21 Planned Unit Development applications filed pursuant to Article 7, or otherwise required by
22 this Code for uses or features in Neighborhood Commercial Districts, and conditional use
23 applications within South of Market Districts, shall be subject to the provisions set forth in
24 Sections 316 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and
25 306.3 of this Code, with respect to scheduling and notice of hearings, and in addition to those

SUPERVISOR₃ TENG, BIERMAN, BECERRIL
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1 provided for in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
2 reconsideration.

3 (b) **Initiation.** A conditional use action may be initiated by application of the owner,
4 or authorized agent for the owner, of the property for which the conditional use is sought.

5 (c) **Determination.** After its hearing on the application, or upon the
6 recommendation of the Director of Planning if the application is filed pursuant to Sections 316
7 through 316.8 of this Code and no hearing is required, the City Planning Commission shall
8 approve the application and authorize a conditional use if the facts presented are such to
9 establish:

10 (1) That the proposed use or feature, at the size and intensity contemplated and at
11 the proposed location, will provide a development that is necessary or desirable for, and
12 compatible with, the neighborhood or the community; and

13 (2) That such use or feature as proposed will not be detrimental to the health,
14 safety, convenience or general welfare of persons residing or working in the vicinity, or
15 injurious to property, improvements or potential development in the vicinity, with respect to
16 aspects including but not limited to the following:

17 (A) The nature of the proposed site, including its size and shape, and the proposed
18 size, shape and arrangement of structures;

19 (B) The accessibility and traffic patterns for persons and vehicles, the type and
20 volume of such traffic, and the adequacy of proposed off-street parking and loading;

21 (C) The safeguards afforded to prevent noxious or offensive emissions such as
22 noise, glare, dust and odor;

23 (D) Treatment given, as appropriate, to such aspects as landscaping, screening,
24 open spaces, parking and loading areas, service areas, lighting and signs; and

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1 (3) That such use or feature as proposed will comply with the applicable provisions
2 of this Code and will not adversely affect the Master Plan; and

3 (4) With respect to applications filed pursuant to Article 7 of this Code, that such use
4 or feature as proposed will provide development that is in conformity with the stated purpose
5 of the applicable Neighborhood Commercial District, as set forth in zoning control category .1
6 of Sections 710 through 729 of this Code; and

7 (5)(A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning
8 categories .46, .47, and .48, in lieu of the criteria set forth above in Section 303(c)(1—4), that
9 such use or feature will:

10 (i) Not be located within 1,000 feet of another such use, if the proposed use or
11 feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

12 (ii) Not be open between two a.m. and six a.m.; and

13 (iii) Not use electronic amplification between midnight and six a.m.; and

14 (iv) Be adequately soundproofed or insulated for noise and operated so that
15 incidental noise shall not be audible beyond the premises or in other sections of the building
16 and fixed-source equipment noise shall not exceed the decibel levels specified in the San
17 Francisco Noise Control Ordinance.

18 (B) Notwithstanding the above, the City Planning Commission may authorize a
19 conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above,
20 if facts presented are such to establish that the use will be operated in such a way as to
21 minimize disruption to residences in and around the district with respect to noise and crowd
22 control.

23 (6) With respect to applications for live/work units in RH and RM Districts filed
24 pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

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1 (A) Each live/work unit is within a building envelope in existence on the effective
2 date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the
3 building which lawfully contains at the time of application a nonconforming, nonresidential use;

4 (B) There shall be no more than one live/work unit for each 1,000 gross square feet
5 of floor area devoted to live/work units within the subject structure; and

6 (C) The project sponsor will provide any off-street parking, in addition to that
7 otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by
8 residents of and visitors to the project.

9 Such action of the City Planning Commission, in either approving or
10 disapproving the application, shall be final except upon the filing of a valid appeal to the Board
11 of Supervisors as provided in Section 308.1.

12 (d) **Conditions.** When considering an application for a conditional use as provided
13 herein with respect to applications for development of "dwellings" as defined in Chapter 87 of
14 the San Francisco Administrative Code, the Commission shall comply with that Chapter which
15 requires, among other things, that the Commission not base any decision regarding the
16 development of "dwellings" in which "protected class" members are likely to reside on
17 information which may be discriminatory to any member of a "protected class" (as all such
18 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when
19 ((When)) authorizing a conditional use as provided herein, the City Planning Commission, or
20 the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those
21 specified in this Code, as are in its opinion necessary to secure the objectives of the Code.
22 Once any portion of the conditional use authorization is utilized, all such conditions pertaining
23 to such authorization shall become immediately operative. The violation of any condition so
24 imposed shall constitute a violation of this Code and may constitute grounds for revocation of
25 the conditional use authorization. Such conditions may include time limits for exercise of the

1 conditional use authorization; otherwise, any exercise of such authorization must commence
2 within a reasonable time.

3 (e) **Modification of Conditions.** Authorization of a change in any condition
4 previously imposed in the authorization of a conditional use shall be subject to the same
5 procedures as a new conditional use. Such procedures shall also apply to applications for
6 modification or waiver of conditions set forth in prior stipulations and covenants relative
7 thereto continued in effect by the provisions of Section 174 of this Code.

8 (f) **Hotels and Motels.**

9 (1) With respect to applications for development of tourist hotels and motels, the
10 Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and
11 (d) above:

12 (A) The impact of the employees of the hotel or motel on the demand in the City for
13 housing, public transit, childcare, and other social services. To the extent relevant, the
14 Commission shall also consider the seasonal and part-time nature of employment in the hotel
15 or motel;

16 (B) The measures that will be taken by the project sponsor to employ residents of
17 San Francisco in order to minimize increased demand for regional transportation; and

18 (C) The market demand for a hotel or motel of the type proposed.


19 (2) Notwithstanding the provisions of Subsections (f)(1) above, the Planning
20 Commission shall not consider the impact of the employees of a proposed hotel or motel
21 project on the demand in the City for housing where:

22 (A) The proposed project would be located on property under the jurisdiction of the
23 San Francisco Port Commission; and

24 (B) The sponsor of the proposed project has been granted exclusive rights to
25 propose the project by the San Francisco Port Commission prior to June 1, 1991.

1 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the
2 conversion of residential units to tourist hotel or motel use pursuant to an application filed on
3 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco
4 Administrative Code, the Planning Commission shall not consider the criteria contained in
5 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the
6 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies
7 for a permit for new construction or alteration where the cost of such construction or alteration
8 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to
9 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed
10 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to
11 Chapter 41 of the San Francisco Administrative Code.

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14 APPROVED AS TO FORM:
15 LOUISE H. RENNE, City Attorney

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17 By: 
18 Deputy City Attorney

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SUPERVISOR TENG
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 990495

Date Passed:

Ordinance amending Planning Code, Article 3, Section 303 to provide that, in considering applications for conditional uses for "dwellings" in which "protected class members" (each as defined in Administrative Code Chapter 87) are likely to reside, the Planning Commission shall comply with the requirements of Chapter 87 of the Administrative Code.

November 15, 1999 Board of Supervisors — PASSED, ON FIRST READING

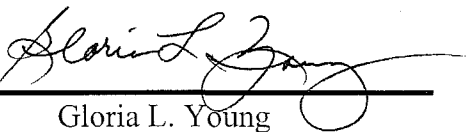
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

November 22, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 990495

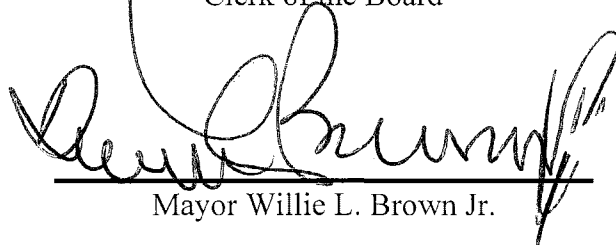
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 22, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC - 3 1999

Date Approved



Mayor Willie L. Brown Jr.