

BOARD of SUPERVISORS



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October 26, 2018

File No. 181031

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

Dear Ms. Gibson:

On October 23, 2018, Supervisor Tang submitted the following legislation:

**File No. 181031**

**Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by 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 proposed 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

[Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts]

**Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by 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.**

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

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

Section 1. Environmental and Land Use Findings.

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

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board of  
2 Supervisors adopts these findings as its own. A copy of said Resolution is on file with the  
3 Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

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

8  
9 Section 2. Article 3 of the Planning Code is hereby amended by revising Section 311,  
10 to read as follows:

11 **SEC. 311. PERMIT REVIEW PROCEDURES**

12 \* \* \* \*

13 (b) **Applicability.** Except as indicated herein, all building permit applications in  
14 Residential, NC, NCT, and Eastern Neighborhoods Districts for a change of use;  
15 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a  
16 Formula Retail Use; demolition, and/or new construction, and/or alteration of residential  
17 buildings; and including the removal of an authorized or unauthorized residential unit, in RH,  
18 RM, and RTO Districts shall be subject to the notification and review procedures required by  
19 this Section 311. In addition, all building permit applications that would establish Cannabis  
20 Retail or Medical Cannabis Dispensary Uses, regardless of zoning district, shall be subject to  
21 the review procedures required by this Section 311. Notwithstanding the foregoing or any  
22 other requirement of this Section 311, a change of use to a Child Care Facility, as defined in  
23 Section 102, shall not be subject to the review requirements of this Section 311.

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

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

12 (i) Exception NC Districts in Supervisorial Districts 4 and 11.  
13 Notwithstanding subsection 311(b)(1)(A), in the geographic areas identified in subsection  
14 311(b)(1)(A)(ii) for NC Districts in Supervisorial Districts 4 and 11, building permit applications for  
15 a change of use to the following uses shall be excepted from the provisions of subsections  
16 311(d) and 311(e): Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage  
17 Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility,  
18 Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.

19 (ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood  
20 Commercial Districts in the following geographic areas:

21 Area 1: shall comprise all of that portion of the City and County commencing at the point of the  
22 intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and  
23 proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to  
24 Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly  
25 along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a

1 straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding  
2 northerly along said line to the point of commencement.

3 Area 2: shall comprise all of that portion of the City and County commencing at the point of the  
4 intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the  
5 eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding easterly along Garfield  
6 Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and  
7 proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along  
8 Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and  
9 proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and  
10 proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to  
11 Alemanly Boulevard, and proceeding easterly along Alemanly Boulevard to Congdon Street, and  
12 proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver  
13 Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and  
14 proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague  
15 Street to Persia Avenue, and proceeding westerly along Persia Avenue to Athens Street, and  
16 proceeding southerly along Athens Street to Geneva Avenue, and proceeding easterly along Geneva  
17 Avenue to the intersection of Geneva Avenue and Carter Street, and proceeding westerly along the  
18 southeastern boundary of Census Tract 0263.02, Block 3005 to the San Francisco/San Mateo county  
19 border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles  
20 Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding  
21 northeasterly along Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and  
22 proceeding northerly along said line to Alemanly Boulevard, and proceeding westerly along Alemanly  
23 Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of  
24 commencement.

1  ~~Sunset. Unless reenacted, subsections 311(b)(1)(A)(i)-(ii) shall expire by operation of law 24~~  
2  ~~months after the effective date of the ordinance in Board File No. 180482. Upon its expiration, the City~~  
3  ~~Attorney is authorized to take steps to remove subsections 311(b)(1)(A)(i)-(ii) from the Planning Code.~~

4  
5 \* \* \* \*

6  
7 Section 3. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance.

11  
12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
16 additions, and Board amendment deletions in accordance with the "Note" that appears under  
17 the official title of the ordinance.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By:

  
22 AUSTIN M. YANG  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts]

**Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by 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

Certain kinds of Planning Code Section 311-required notice are not required for a specified list of changes of use in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11, until approximately September 10, 2020.

Amendments to Current Law

This amendment would make the pilot program established in Ordinance 199-18 permanent in the area generally bounded by the Supervisorial Districts 4 and 11.

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