

BOARD of SUPERVISORS



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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: October 26, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, which is being referred to the Small Business Commission for comment and recommendation.

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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

____ **No Comment**

____ **Recommendation Attached**

Chairperson, Small Business Commission

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

2

3 **Ordinance amending the Planning Code to make permanent the pilot program**

4 **removing neighborhood notice and Planning Commission review for certain uses in**

5 **Neighborhood Commercial Districts in the areas generally bounded by Supervisorial**

6 **Districts 4 and 11; affirming the Planning Department’s determination under the**

7 **California Environmental Quality Act; making findings of consistency with the General**

8 **Plan, and the eight priority policies of Planning Code, Section 101.1; and making**

9 **findings of public necessity, convenience, and welfare pursuant to Planning Code,**

10 **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 subsections or parts of tables.

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

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this

20 ordinance comply with the California Environmental Quality Act (California Public Resources

21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

22 Supervisors in File No. _____ and is incorporated herein by reference. The Board of

23 Supervisors affirms this determination.

24 (b) On _____, the Planning Commission, in Resolution No. _____, adopted

25 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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