



PLANNING COMMISSION RESOLUTION NO. 21011

HEARING DATE: OCTOBER 14, 2021

Project Name: Repealing Article 12 Regarding Oil and Gas Facilities
Case Number: 2021-007368PCA [Board File No. 210807]
Initiated by: Supervisor Chan/ Introduced July 13, 2021
Staff Contact: **Aaron Starr**, Legislative Affairs
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REPEAL ARTICLE 12, WHICH CONTAINS REGULATIONS GOVERNING LAND USE ACTIVITIES ASSOCIATED WITH OIL AND GAS EXPLORATION, DEVELOPMENT, AND PROCESSING; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on July 13, 2021, Supervisors Chan introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210807, which would amend the Planning Code to repeal Article 12, which contains regulations governing land use activities associated with oil and gas exploration, development, and processing; and

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 14, 2021; 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

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 49 South Van Ness Avenue, Suite 1400, 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 Commission's recommended modifications are as follows:

1. Amend the definition of Heavy Manufacturing 2 and 3 to exclude from the definition the production or refining of petroleum products associated with oil and gas exploration.

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:

The Commission finds that the proposed ordinance will remove an outdated section of the Planning Code, it is supported by the Environmental Protection Element of the General Plan, it will help further the City's commitment racial and social equity, and it will reaffirm the City's commitment to ending the use of fossil fuels.

The Commission finds that modifying the definition of Heavy Manufacturing 2 and 3 to prohibit production or refining of petroleum products associated with oil and gas exploration will help protect vulnerable communities that have suffered from significant environmental pollution. Ensuring that these toxic uses are not permitted near these communities is essential to protecting their health and wellbeing.

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 3

MAINTAIN AND IMPROVE THE QUALITY OF THE BAY, OCEAN, AND SHORELINE AREAS.

Policy 3.2

Promote the use and development of shoreline areas consistent with the General Plan and the best interest of San Francisco.

The proposed ordinance with the Commission's recommended modifications would ensure that the City's shoreline areas would not be developed with undesirable uses inconsistent with the General Plan and in the best interest of San Francisco.

OBJECTIVE 4

ASSURE THAT THE AMBIENT AIR OF SAN FRANCISCO AND THE BAY REGION IS CLEAN, PROVIDES MAXIMUM VISIBILITY, AND MEETS AIR QUALITY STANDARDS.

Policy 4.4

Promote the development of nonpolluting industry and insist on compliance of existing industry with established industrial emission control regulations.

The proposed Ordinance will ensure that air quality in San Francisco will not be further degraded by the refining or petrochemicals.

OBJECTIVE 16

PROMOTE THE USE OF RENEWABLE ENERGY SOURCES.

Policy 16.1

Develop land use policies that will encourage the use of renewable energy sources.

The proposed Ordinance discourages will help encourage the use of renewable energy sources.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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 or neighborhood character.

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.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from

displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

- 7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

- 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.

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 October 14, 2021.



Jonas P. Ionin
Commission Secretary

AYES: Tanner, Diamond, Fung, Imperial, Moore, Koppel

NOES: None

ABSENT: Chan

ADOPTED: October 14, 2021