

1 [Planning – public review process for wireless telecommunications services facilities as
2 accessory uses.]

3 **Ordinance amending the Planning Code Section 311 and 312 to apply the public review**
4 **processes for building permit applications in R and NC Districts to wireless**
5 **telecommunications services facilities permitted as accessory uses under Article 2 of**
6 **the Planning Code, making environmental findings, and making findings of**
7 **consistency with the General Plan and priority policies of Planning Code Section 101.1.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San
14 Francisco hereby finds and declares as follows:

15 (1) San Francisco has a proud tradition of safeguarding the unique character of its
16 diverse neighborhoods and emphasizing community involvement in issues of neighborhood
17 preservation.

18 (2) The advent of wireless technologies has caused the proliferation of wireless
19 communications services facilities throughout the City for provision of wireless services to the
20 public. Such equipment includes but is not limited to microcells, which are small cell units that
21 provide additional coverage and capacity where there are high numbers of users within urban
22 areas. The antennas for microcells are often mounted at street level, typically on the external
23 walls of existing structures, lampposts and other street fixtures.

24 (3) Microcell installations are often visible to the public and can detract from the
25 character and dignity of buildings and surrounding neighborhoods.

1 (4) The City has received numerous complaints from neighborhood residents referring
2 to wireless telecommunications services facilities as being unsightly, industrial-looking, and
3 constituting urban blight. Neighborhood residents report that these facilities negatively impact
4 the character and distinctive qualities of their neighborhoods.

5 (5) Microcells and other wireless telecommunications services facilities have been
6 permitted or allowed as "accessory uses" that have minimal design review and public notice
7 requirements.

8 (6) Planning Code Sections 311 and 312 provide a process for public review of
9 building permit applications in R Districts and NC Districts, respectively, in order to determine
10 compatibility of the proposals with the neighborhood and for providing notice to property
11 owners and residents neighboring the site of the proposed project and to interested
12 neighborhood organizations, so that concerns about a project may be identified and resolved
13 during the review of the permit.

14 (7) The public welfare, public convenience, and general prosperity of the community
15 require amending the Planning Code to apply the public review processes of Sections 311
16 and 312 to wireless telecommunications services facilities.

17 Section 2. Environmental Findings, General Plan Findings, and Other Required
18 Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 Ordinance are in compliance with the California Environmental Quality Act (California Public
21 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
22 Board of Supervisors in File No. 070213 and is incorporated herein by
23 reference.

24 (b) On April 19, 2007, the Planning Commission, in Resolution No.
25 17420 approved and recommended for adoption by the Board this legislation and

1 adopted findings that it is consistent, on balance, with the City's General Plan and eight
2 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.
3 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
4 070213, and is incorporated by reference herein.

5 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
6 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
7 Planning Commission Resolution No. 17420, and incorporates such reasons by
8 reference herein.

9 Section 3. The San Francisco Planning Code is hereby amended by amending
10 Sections 311 and 312 to read as follows:

11 **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH AND RM**
12 **DISTRICTS.**

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

18 (b) Applicability. Except as indicated herein, all building permit applications for
19 demolition and/or new construction, and/or alteration of residential buildings in RH and RM
20 districts shall be subject to the notification and review procedures required by this Section.
21 Subsection 311(e) regarding demolition permits and approval of replacement structures shall
22 apply to all R Districts. For the purposes of this Section, an alteration shall be defined as any
23 change in use or change in the number of dwelling units of a residential building, removal of
24 more than 75 percent of a residential building's existing interior wall framing or the removal of
25 more than 75 percent of the area of the existing framing, or an increase to the exterior

1 dimensions of a residential building except those features listed in Section 136(c)(1) through
2 136(c)(24) and 136(c)(26).

3 (c) Building Permit Application Review for Compliance and Notification. Upon
4 acceptance of any application subject to this Section, the Planning Department shall review
5 the proposed project for compliance with the Planning Code and any applicable design
6 guidelines approved by the Planning Commission. Applications determined not to be in
7 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential
8 Design Guidelines, including design guidelines for specific areas adopted by the Planning
9 Commission, or with any applicable conditions of previous approvals regarding the project,
10 shall be held until either the application is determined to be in compliance, is disapproved or a
11 recommendation for cancellation is sent to the Department of Building Inspection.

12 (1) Residential Design Guidelines. The construction of new residential
13 buildings and alteration of existing residential buildings in R Districts shall be consistent with
14 the design policies and guidelines of the General Plan and with the "Residential Design
15 Guidelines" as adopted and periodically amended for specific areas or conditions by the City
16 Planning Commission. The Director of Planning may require modifications to the exterior of a
17 proposed new residential building or proposed alteration of an existing residential building in
18 order to bring it into conformity with the "Residential Design Guidelines" and with the General
19 Plan. These modifications may include, but are not limited to, changes in siting, building
20 envelope, scale texture and detailing, openings, and landscaping.

21 (2) Notification. Upon determination that an application is in compliance with
22 the development standards of the Planning Code, the Planning Department shall cause a
23 notice to be posted on the site pursuant to rules established by the Zoning Administrator and
24 shall cause a written notice describing the proposed project to be sent in the manner
25 described below. This notice shall be in addition to any notices required by the Building Code

1 and shall have a format and content determined by the Zoning Administrator. It shall include a
2 description of the proposal compared to any existing improvements on the site with
3 dimensions of the basic features, elevations and site plan of the proposed project including
4 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
5 reference scale. The notice shall describe the project review process and shall set forth the
6 mailing date of the notice and the expiration date of the notification period.

7 Written notice shall be mailed to the notification group which shall include the
8 project sponsor, relevant neighborhood organizations as described in Subparagraph
9 311(c)(2)(C) below, all individuals having made a written request for notification for a specific
10 parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent
11 practical, occupants, of properties in the notification area.

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

18 (C) The Planning Department shall maintain a list, avail-able for public
19 review, of neighborhood organizations which have indicated an interest in specific properties
20 or areas. The organizations having indicated an interest in the subject lot or its area shall be
21 included in the notification group for the proposed project.

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

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

7 (5) Notification Package. The notification package for a project subject to
8 notice under this Section 311 shall include:

9 (A) A description of the proposal compared to any existing improvements on
10 the site with dimensions of the basic features, elevations and site plan of the proposed project
11 including exterior dimensions and finishes, and a graphic reference scale.

12 (B) Information stating whether the proposed project includes horizontal,
13 vertical, or both horizontal and vertical additions.

14 (C) Information showing the relationship of the project to adjacent properties,
15 including the position and height of any adjacent building and location of windows facing the
16 subject property.

17 (D) 11 by 17 drawings at a measurable scale with all dimensions legible that
18 shows (i) both existing and proposed floor plans,(ii) specific dimensional changes to the
19 building, including parapets, penthouses, and other proposed building extensions and (iii) the
20 location and amount of removal of exterior walls.

21 (E) Floor plans where there is a new building, building expansion, or change
22 in the floor plans of an existing building.

23 (F) The name and telephone number of the project planner at the Planning
24 Department assigned to review the application.

1 (G) A description of the project review process, information on how to obtain
2 additional information about the project, and information about the recipient's rights to request
3 additional information, to request discretionary review by the Planning Commission, and to
4 appeal to other boards or commissions.

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

10 The project sponsor of a building permit application may request discretionary
11 review by the Planning Commission to resolve conflicts between the Director of Planning and
12 the project sponsor concerning requested modifications to comply with the Residential Design
13 Guidelines.

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

17 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
18 Commission shall be given not less than 10 days prior to the date of the hearing to the
19 notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing
20 shall be made as provided under Planning Code Section 306.8.

21 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
22 the building is determined to pose a serious and imminent hazard as defined in the Building
23 Code an application authorizing demolition in any R District of an historic or architecturally
24 important building or of a dwelling shall not be approved and issued until the City has granted
25 final approval of a building permit for construction of the replacement building. A building

1 permit is finally approved if the Board of Appeals has taken final action for approval on an
2 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
3 filing an appeal with the Board has lapsed with no appeal filed.

4 (1) The demolition of any building whether or not historically and
5 architecturally important may be approved administratively where the Director of the
6 Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public
7 Safety determines, after consultation with the Zoning Administrator, that an imminent safety
8 hazard exists, and the Director of the Department of Building Inspection determines that
9 demolition or extensive alteration of the structure is the only feasible means to secure the
10 public safety.

11 (f) Wireless Telecommunications Services Facility as Accessory Use, Notification and
12 Review Required. Building permit applications for new construction of a wireless telecommunications
13 services facility as an accessory use under Article 2 of the Planning Code in RH and RM Districts shall
14 be subject to the notification and review procedures required by this Section.

15 **SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES**
16 **FOR ALL NC DISTRICTS.**

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

23 (b) Applicability. Except as indicated herein, all building permit applications for
24 demolition, new construction, changes in use to a formula retail use as defined in section
25 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be

1 subject to the notification and review procedures required by subsection 312(d). Subsection
2 312(f) regarding demolition permits and approval of replacement structures shall apply to all
3 NC Districts. For the purposes of this Section, addition to a building of the features listed in
4 Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under
5 this Section.

6 (c) Changes of Use. All building permit applications for a change of use to a bar, as
7 defined in section 790.22, a liquor store, as defined in section 790.55, a walkup facility, as
8 defined in section 790.140, other large institutions, as defined in section 790.50, other small
9 institutions, as defined in section 790.51, a full-service restaurant, as defined in section
10 790.92, a large fast food restaurant, as defined in section 790.90, a small self-service
11 restaurant, as defined in section 790.91, a massage establishment, as defined in section
12 790.60, an outdoor activity, as defined in section 790.70, or an adult or other entertainment
13 use, as defined in sections 790.36 and 790.38, shall be subject to the provisions of subsection
14 312(d).

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

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

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

21 Written notice shall be mailed to the notification group which shall include the
22 project sponsor, relevant neighborhood organizations as described in Subparagraph
23 312(d)(2)(C) below, all individuals having made a written request for notification for a specific
24 parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent
25 practical, occupants, of properties in the notification area.

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

5 (B) The latest City-wide Assessor's roll for names and addresses of owners
6 shall be used for said notice.

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

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

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

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

6 The project sponsor of a building permit application may request discretionary
7 review by the Planning Commission to resolve conflicts between the Director of Planning and
8 the project sponsor concerning requested modifications to comply with relevant design
9 guidelines of the General Plan.

10 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for
11 hearing requests for discretionary review by the Planning Commission within a reasonable
12 period.

13 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
14 Commission shall be given not less than 10 days prior to the date of the hearing to the
15 notification group as described in Paragraph 312(d)(2) above. Posted notice of the hearing
16 shall be made as provided under Planning Code Section 306.8.


17 (f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
18 the building is determined to pose a serious and imminent hazard as defined in the Building
19 Code an application authorizing demolition in any NC District of an historic or architecturally
20 important building or of a dwelling shall not be approved and issued until the City has granted
21 final approval of a building permit for construction of the replacement building. A building
22 permit is finally approved if the Board of Appeals has taken final action for approval on an
23 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
24 filing an appeal with the Board has lapsed with no appeal filed.

1 (1) The demolition of any building whether or not historically and
2 architecturally important may be approved administratively where the Director of the
3 Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public
4 Safety determines, after consultation with the Zoning Administrator, that an imminent safety
5 hazard exists, and the Director of the Department of Building Inspection determines that
6 demolition or extensive alteration of the structure is the only feasible means to secure the
7 public safety.

8 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification and
9 Review Required. Building permit applications for new construction of a wireless telecommunications
10 services facility as an accessory use under Article 7 of the Planning Code in all NC Districts shall be
11 subject to the notification and review procedures required by this Section.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By:


16 Andrew W. Garth
17 Deputy City Attorney
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City and County of San Francisco

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

Tails Ordinance

File Number: 070213

Date Passed:

Ordinance amending the Planning Code Section 311 and 312 to apply the public review processes for building permit applications in R and NC Districts to wireless telecommunications services facilities permitted as accessory uses under Article 2 of the Planning Code, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

May 22, 2007 Board of Supervisors — SUBSTITUTED

August 14, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

September 11, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

File No. 070213

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on September 11, 2007 by the Board of Supervisors of the City and County of San Francisco.

9/21/07

Date Approved

April Calvillo

Signature Clerk

Mayor Gavin Newsom