

1 [Ordinance amending Planning Code Section 312 to require that changes in use to a retail  
2 coffee store or pharmaceutical and personal toiletries use shall be subject to the notification  
3 and review procedures of Section 312.]

4 **Ordinance amending Planning Code Section 312 to require that a change in use to a**  
5 **retail coffee store, as defined in Planning Code Section 790.102(n), or to a**  
6 **pharmaceutical and personal toiletries use, as defined in Planning Code Section**  
7 **790.102(c), or the addition of a prescription drug service where none previously existed**  
8 **within 3 years of an application for an addition, be subject to the notification and**  
9 **review procedures of Section 312, and making findings of consistency with the priority**  
10 **policies of Planning Code Section 101.1 and the General Plan.**

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

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
16 hereby finds and determines that:

17 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
18 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
19 Planning Commission Resolution No. \_\_\_\_\_ recommending approval of this Planning Code  
20 Amendment, and incorporates such reasons by this reference thereto. A copy of said  
21 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

22 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this  
23 ordinance is in consistent with the Priority Policies of Section 101.1(b) of the Planning Code  
24 and, when effective, with the General Plan as proposed to be amended and hereby adopts  
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1 the findings of the Planning Commission, as set forth in Planning Commission Resolution No.  
2 \_\_\_\_\_, and incorporates said findings by this reference thereto.

3 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
4 312, to read as follows:

5 Sec. 312. Neighborhood Commercial Permit Review Procedures For All NC Districts.

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

12 (b) Applicability. Except as indicated herein, all building permit applications  
13 for demolition, new construction, alterations which expand the exterior dimensions of a  
14 building, ~~or~~ changes of use per the use categories of Article 7 or changes in use under Article 7  
15 to a retail coffee store, as defined in Planning Code Section 790.102(n), to a pharmaceutical and  
16 personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a  
17 prescription drug service where none previously existed within 3 years of the application for the  
18 addition, shall be subject to the notification and review procedures required by this Section.  
19 Subsection 312(e) regarding demolition permits and approval of replacement structures shall  
20 apply to all NC Districts. For the purposes of this Section, addition to a building of the  
21 features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to  
22 notification under this Section.

23 (c) Building Permit Application Review for Compliance and Notification.  
24 Upon acceptance of any application subject to this Section, the Planning Department shall  
25 review the proposed project for compliance with the Planning Code and any applicable design

1 guidelines approved by the Planning Commission. Applications determined not to be in  
2 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including  
3 design guidelines for specific areas adopted by the Planning Commission, or with any  
4 applicable conditions of previous approvals regarding the project, shall be held until either the  
5 application is determined to be in compliance, is disapproved or a recommendation for  
6 cancellation is sent to the Department of Building Inspection.

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

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

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1 The notice shall describe the project review process and shall set forth the mailing date of the  
2 notice and the expiration date of the notification period.

3 Written notice shall be mailed to the notification group which shall include the  
4 project sponsor, relevant neighborhood organizations as described in Subparagraph  
5 312(c)(2)(C) below, all individuals having made a written request for notification for a specific  
6 parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent  
7 practical, occupants, of properties in the notification area.

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

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

14 (C) The Planning Department shall maintain a list, available for public review,  
15 of neighborhood organizations which have indicated an interest in specific properties or areas.  
16 The organizations having indicated an interest in the subject lot or its area shall be included in  
17 the notification group for the proposed project.

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

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

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

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

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

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

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

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

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

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By: \_\_\_\_\_  
Sarah Ellen Owsowitz  
Deputy City Attorney

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