

BOARD of SUPERVISORS



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MEMORANDUM

Date: March 24, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230212
Planning, Building Codes - Small Business Month Fee Waivers Including for Awning Installation

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

[General Plan - Environmental Justice Framework and General Plan Introduction]

Ordinance amending the General Plan by adopting the San Francisco Environmental Justice Framework and amending the Introduction to the General Plan; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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 ~~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. Findings.

(a) Section 4.105 of the Charter provides that the Planning Commission shall periodically recommend to the Board of Supervisors, for approval or rejection, proposed amendments to the San Francisco General Plan ("General Plan").

(b) On March 10, 2023, the Board of Supervisors received from the Planning Department the proposed Environmental Justice Framework and General Plan Introduction Update that incorporates such framework into the General Plan and amends the Introduction to the General Plan. These amendments are on file with the Clerk of the Board of Supervisors in File No. 230280 and is incorporated herein by reference.

1 (c) Section 4.105 of the Charter further provides that if the Board of Supervisors fails to
2 act within 90 days of receipt of the proposed Environmental Justice Framework and General
3 Plan Introduction Update amendment, then the proposed amendment shall be deemed
4 approved.

5 (d) Planning Code Section 340 provides that an amendment to the General Plan may
6 be initiated by a resolution of intention by the Planning Commission, which refers to, and
7 incorporates by reference, the proposed General Plan amendment. Section 340 further
8 provides that the Planning Commission shall adopt the proposed General Plan amendment
9 after a public hearing if it finds from the facts presented that the public necessity,
10 convenience, and general welfare require the proposed amendment or any part thereof. If
11 adopted by the Commission in whole or in part, the proposed amendment shall be presented
12 to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

13 (e) California Senate Bill 1000 (2016) amended Government Code §65302 to require
14 cities and counties with “disadvantaged communities,” which the statute defines to include
15 low-income areas that are disproportionately affected by environmental pollution and other
16 hazards that can lead to negative health effects, exposure, or environmental degradation, to
17 amend their General Plan to include policies that address environmental justice and reduce
18 the unique or compounded health risks in disadvantaged communities, promote civil
19 engagement in the public decision-making process, and prioritize improvements and
20 programs that address the needs of disadvantaged communities. This update is required
21 upon the completion or next revision of two or more General Plan elements after 2018.

22 (f) San Francisco contains several areas that are identified in the CalEnviroScreen 4.0
23 map created by the California Environmental Protection Agency and the Office of
24 Environmental Health Hazard Assessment as disadvantaged communities, including portions
25 of Bayview Hunters Point, South of Market, Treasure Island, and the Tenderloin. The Planning

1 Department conducted additional data analysis in accordance with General Plan Guidelines
2 developed by the Governor's Office of Planning Research. This analysis found that other
3 areas experience elevated health risks, resulting in the creation of a local Environmental
4 Justice Communities Map. The Environmental Justice Communities identified in the
5 Environmental Justice Communities Map comprise about one third of the City's land area with
6 the highest cumulative environmental burdens, including all the disadvantaged communities
7 as defined by state law and additional areas identified by the Planning Department.
8 Environmental Justice Communities include portions of Bayview Hunters Point, Visitacion
9 Valley, South of Market, Treasure Island, the Tenderloin, the Mission, Potrero Hill, Western
10 Addition, Chinatown, Financial District, Outer Mission, and Oceanview/Merced/Ingleside.

11 (g) The Planning Department analyzed additional demographic data in preparing the
12 Environmental Justice Communities Map. The San Francisco Health Improvement
13 Partnership's 2022 Community Health Needs Assessment found significant health disparities
14 across the city, with people of color and people residing in certain communities experiencing
15 worse health outcomes. For instance, the study found that the City's communities of color
16 experience significantly higher rates of negative health outcomes including asthma and
17 chronic obstructive pulmonary disease (hospitalization rates for Black San Franciscans are
18 approximately 10 times higher than for White residents), cancer (rates for Black San
19 Franciscans are 46 to 213 percent higher than City average), cardiovascular disease
20 (American Indian San Franciscans are twice as likely to die of cardiovascular disease before
21 the age of 65), and stroke. The impact of cardiovascular disease in San Francisco is higher
22 among residents in the southeast half of the City, while rates of asthma and chronic
23 obstructive pulmonary disease are higher in the Tenderloin, SOMA, and Bayview Hunters
24 Point neighborhoods.

1 (h) The proposed Environmental Justice Framework identifies Environmental Justice
2 Communities in San Francisco which incorporate the State's designation of disadvantaged
3 communities (as defined by California Government Code §65302) and include additional local
4 data on health and social vulnerabilities, and identifies key policy priorities and strategies to
5 further guide development of environmental justice objectives and policies.

6 (i) On _____, 2023, at a duly noticed public hearing, the Planning Commission
7 adopted the proposed Environmental Justice Framework and General Plan Introduction
8 Update by Resolution _____, finding in accordance with Planning Code Section 340
9 that the public necessity, convenience, and general welfare required the proposed
10 amendments. Said Resolution is on file with the Clerk of the Board of Supervisors in File No.
11 _____ and incorporated herein by reference.

12 (j) The Board of Supervisors finds that the proposed Environmental Justice Framework
13 and General Plan Introduction Update are, on balance, consistent with the General Plan, as
14 amended, and the priority policies of Planning Code Section 101.1 for the reasons set forth in
15 Planning Commission Resolution No. _____, and the Board hereby adopts those
16 findings as its own.

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

22 (l) The letter from the Planning Department transmitting the proposed Environmental
23 Justice Framework and General Plan Introduction Update to the Board of Supervisors and the
24 Planning Commission's Resolution approving the proposed Environmental Justice Framework
25 and General Plan Introduction Update is on file with the Clerk of the Board of Supervisors in

1 File No. _____. These and any and all other documents referenced in this
2 ordinance have been made available to the Board of Supervisors and may be found in both
3 the files of the Planning Department, as the custodian of records, at 49 South Van Ness
4 Avenue, San Francisco, and in File No. _____ with the Clerk of the Board of
5 Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by
6 reference.

7
8 Section 2. Amendments to the General Plan.

9 The Board of Supervisors hereby amends the General Plan by:

10 (a) Adopting the San Francisco Environmental Justice Framework as shown in Exhibit
11 A to this ordinance, as a document incorporated by reference in the General Plan. As stated
12 in subsection (b) of Section 1 of this ordinance, the San Francisco Environmental Justice
13 Framework is on file with the Clerk of the Board of Supervisors in File No. _____.

14 (b) Deleting the existing Introduction to the General Plan, and adding a new
15 Introduction to the General Plan, as follows:

16 Land Acknowledgement: The City and County of San Francisco acknowledges that we are on
17 the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San
18 Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions,
19 the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of
20 this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize
21 that we benefit from living and working on their traditional homeland. We wish to pay our respects by
22 acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by
23 affirming their sovereign rights as First Peoples.

24 **Introduction**
25

1 San Francisco is a place of singular beauty, combining an exquisite natural setting with a
2 unique human-made urban landscape. Human settlement of San Francisco originated with the
3 Ramaytush Ohlone people, who maintained three semi-sedentary villages on the peninsula. The
4 Spanish colonists built on or near those lands when they established the Presidio and the Mission,
5 resulting in the eventual displacement, subjugation, and cultural erasure of these communities. Since
6 then, the City has grown with a density that is unusual on the West Coast. Where other cities flatten
7 their hills or wind streets around them, here the rush to develop created a defiant street grid that
8 accentuates the inclines and introduces dramatic vistas across the bay and deep into the cosmopolitan
9 center. San Francisco's lively and varied pattern of neighborhoods, commercial centers, and parks has
10 nurtured a remarkable diversity of communities. It has been not only a hub for the Bay Area but a
11 global center of economic energy, technological innovation, and influential political, social, and
12 cultural movements.

13 Amid this beloved setting lies the inherent, often hidden fragility, including vulnerability to
14 natural disasters and to the mounting consequences of anthropogenic climate change. The city has also
15 been shaped by a history of injustices including segregation, urban renewal, and the inequitable
16 distribution of environmental benefits and burdens. The City's human scale is justly celebrated for its
17 charm and livability – but the City continues to struggle with housing affordability.

18 **Purpose**

19 The San Francisco General Plan is the embodiment of the City's vision for the future, serving to
20 guide evolution and growth over time. It provides a comprehensive set of goals, objectives, and policies
21 that influence how people live, work, and move about, as well as the quality and spirit of the City.
22 Periodic updates via a public adoption process ensure that this document remains freshly relevant. The
23 General Plan governs actions by all arms of San Francisco's government. It is implemented by the
24 city's direction of public resources and guidance of private development.

1 State law and San Francisco's Charter require a comprehensive, long-term general plan for the
2 physical development of the city. The San Francisco General Plan ensures that there is adequate
3 infrastructure to support residential, commercial, recreational, and institutional land uses and
4 facilities, and that neighborhoods are walkable and connected by a robust transportation system
5 geared toward public transit, walking, and biking. Economic growth should position San Francisco for
6 a resilient future sustainably linked to and coordinated with regional development.

7 The General Plan attempts to navigate complex imperatives between preserving cherished
8 qualities and assets, tackling needed changes, and preparing for both known and unpredictable
9 challenges and crises. In 2020, as the COVID-19 pandemic and the killing of George Floyd highlighted
10 inequalities, the Planning Commission passed Resolution Number 20738 to center the Planning
11 Department's work program and resource allocation on racial and social equity. This mandate has
12 been incorporated into the General Plan. In doing so, the City and County of San Francisco
13 acknowledges and apologizes for the history of inequitable planning policies and actions that have
14 resulted in racial disparities. San Francisco must take reparative actions and build accountability in
15 collaboration with American Indian communities, Black communities, communities of color, and other
16 historically marginalized and disenfranchised communities.

17 **Process and Vision**

18 The General Plan's goals, objectives, and policies have been developed with extensive
19 community engagement. These robust conversations and public hearings are designed to distill a
20 shared vision for the City's future.

21 In this shared vision, San Francisco strives to be...

22 ...a just city, committed to racial and social equity, starting with recognizing and seeking to
23 rectify past injustices.

24 ...an inclusive city, where all can find a home and community as well a nurturing environment
25 for creativity and self-expression.

1 ...a safe, livable, and environmentally sustainable city, where all are able to live healthy lives
2 and access thriving natural systems, restorative parks, and a high-quality built environment. The
3 climate crisis requires urgent local, regional, and global action.

4 ...an economically vital city, where all are able to prosper. Economic vitality is possible only
5 where stable, meaningful livelihoods are protected, entrepreneurial dynamism is fostered within an
6 ecosystem that can withstand geopolitical turbulence and financial volatility, and everyone can access
7 ladders to opportunity

8 ...a city that recognizes that achieving justice, inclusivity, safety, livability, environmental
9 sustainability and economic vitality requires accountable government, regional cooperation,
10 transparent processes, and incorporation of diverse communities into all aspects of decision making.

11 **Structure**

12 The General Plan consists of a series of Elements and Area Plans.

13 Each Element addresses a topic and generally applies citywide, while Area Plans relate these
14 topics comprehensively to specific parts of the city in a greater level of detail. Several of the Elements
15 correspond to topics that state law requires the General Plan to address, including Air Quality,
16 Community Facilities, Environmental Protection, Housing, Recreation and Open Space, Safety and
17 Resilience, and Transportation. San Francisco has also chosen to address additional topics through
18 Elements including Arts, Commerce and Industry, and Urban Design. Policies related to land use are
19 located throughout the General Plan and are cross-referenced in a Land Use Index.

20 Environmental Justice policies required by the State have been integrated throughout the
21 General Plan. The Environmental Justice Framework, hereby incorporated into the General Plan by
22 reference, sets out key policy priorities and strategies which will be integrated into elements, area
23 plans, and supporting documents to improve public health and other outcomes in Environmental
24 Justice Communities, which are primarily communities of color and lower-income communities that
25 face higher pollution levels and other health risks.

Area Plans of the San Francisco General Plan include:

- Balboa Park Station
- Bayview Hunters Point
- Candlestick Point Subarea
- Central SoMa (South of Market)
- Central Waterfront
- Chinatown
- Civic Center
- Downtown
- East SoMa (South of Market)
- Executive Park Subarea
- Glen Park
- Hunters Point Shipyard
- Market and Octavia
- Mission
- Northeastern Waterfront
- Rincon Hill
- Showplace Square/Potrero
- Transit Center District Subarea
- Treasure Island/Yerba Buena Island
- Van Ness Avenue
- Western Shoreline
- Western SoMa (South of Market)

Introduction

1 *San Francisco is a special place. Foremost is its dramatic physical beauty, created by bay and*
2 *ocean surrounding a cluster of hills that are often illuminated by brilliant sun or shrouded in silvery*
3 *fog. The views from these hilltops were given to us inadvertently. The early settlers, in their scramble to*
4 *forge a new life, imposed a simple grid system on the land. So instead of streets winding themselves*
5 *around the hills we have streets that can scale the hilltops to reveal extraordinary vistas. These vistas*
6 *give us a city that appeals from any perspective and sparks our imagination.*

7 *Secondly, San Francisco is compact. Its density creates a rich variety of experiences and*
8 *encounters on every street. The city is cosmopolitan and affable, easily traversed by foot or by bus, and*
9 *offers an intriguing balance of urban architecture.*

10 *Thirdly, San Francisco is the center, the soul of the region and cooperative efforts to maintain*
11 *the area's quality of life are imperative. The City has long been a magnet for business, culture,*
12 *retailing, tourism and education. Its rich 150 year history reflects the cultures of the world and gives*
13 *energetic diversity to its neighborhoods. The residents strive to maintain this tradition, welcoming*
14 *people from around the world to participate in the promise of a healthy city.*

15 *There are many issues we must face as we look to the future of our economy, work force,*
16 *housing stock, transportation systems, open spaces, and vacant lands. San Francisco is a dynamic*
17 *entity within which there are constant pressures for change and renewal. It remains the finance capital*
18 *for the West and is an emerging gateway to the Pacific Rim. However as we enter the 21st century, new*
19 *technologies, medical research and design are providing additional economic opportunity.*

20 *The City's General Plan serves to guide these changes to ensure that the qualities that make San*
21 *Francisco unique are preserved and enhanced. The General Plan is based on a creative consensus*
22 *concerning social, economic, and environmental issues. Adopted by the Planning Commission and*
23 *approved by the Board of Supervisors, the General Plan serves as a basis for decisions that affect all*
24 *aspects of our everyday lives from where we live and work to how we move about. It is both a strategic*
25 *and long term document, broad in scope and specific in nature. It is implemented by decisions that*

1 ~~direct the allocation of public resources and that shape private development. In short, the General Plan~~
2 ~~is the embodiment of the community's vision for the future of San Francisco.~~

3 ~~State law requires that the General Plan address seven issues: land use, circulation, housing,~~
4 ~~conservation, open space, noise and safety.~~

5 ~~The Charter approved by the voters in November 1995 requires that the Planning Commission~~
6 ~~recommend amendments to the General Plan to the Board of Supervisors for approval. This approval~~
7 ~~changes the Plan's status from an advisory to a mandatory document and underscores the importance~~
8 ~~of Referrals establishing consistency with the General Plan prior to actions by the Board of~~
9 ~~Supervisors on a variety of actions.~~

10 ~~The San Francisco General Plan is designed as a guide to the attainment of the following~~
11 ~~general goals:~~

- 12 ~~● Protection, preservation, and enhancement of the economic, social, cultural, and~~
13 ~~esthetic values that establish the desirable quality and unique character of the city.~~
- 14 ~~● Improvement of the city as a place for living, by aiding in making it more healthful, safe,~~
15 ~~pleasant, and satisfying, with housing representing good standards for all residents and~~
16 ~~by providing adequate open spaces and appropriate community facilities.~~
- 17 ~~● Improvement of the city as a place for commerce and industry by making it more~~
18 ~~efficient, orderly, and satisfactory for the production, exchange and distribution of~~
19 ~~goods and services, with adequate space for each type of economic activity and~~
20 ~~improved facilities for the loading and movement of goods.~~
- 21 ~~● Coordination of the varied pattern of land use with public and semi-public service~~
22 ~~facilities required for efficient functioning of the city, and for the convenience and well-~~
23 ~~being of its residents, workers, and visitors.~~

1 • ~~Coordination of the varied pattern of land use with circulation routes and facilities~~
2 ~~required for the efficient movement of people and goods within the city, and to and from~~
3 ~~the city.~~

4 • ~~Coordination of the growth and development of the city with the growth and~~
5 ~~development of adjoining cities and counties and of the San Francisco Bay Region.~~

6 ~~The Plan is intended to be an integrated, internally consistent and compatible statement of~~
7 ~~objectives and policies and its objectives, and policies are to be construed in a manner which achieves~~
8 ~~that intent. Sec. 101.1(b) of the Planning Code, which was added by Proposition M, November 4, 1986,~~
9 ~~provides as follows:~~

10 ~~The following Priority Policies are hereby established. They shall be included in the preamble~~
11 ~~to the General Plan and shall be the basis upon which inconsistencies in the General Plan are~~
12 ~~resolved:~~

- 13 1. ~~That existing neighborhood-serving retail uses be preserved and enhanced and future~~
14 ~~opportunities for resident employment in and ownership of such businesses enhanced;~~
- 15 2. ~~That existing housing and neighborhood character be conserved and protected in order~~
16 ~~to preserve the cultural and economic diversity of our neighborhoods;~~
- 17 3. ~~That the City's supply of affordable housing be preserved and enhanced;~~
- 18 4. ~~That commuter traffic not impede Muni transit services or overburden our streets or~~
19 ~~neighborhood parking;~~
- 20 5. ~~That a diverse economic base be maintained by protecting our industrial and service~~
21 ~~sectors from displacement due to commercial office development, and that future~~
22 ~~opportunities for resident employment and ownership in these sectors be enhanced;~~
- 23 6. ~~That the City achieve the greatest possible preparedness to protect against injury and~~
24 ~~the loss of life in an earthquake.~~
- 25 7. ~~That landmarks and historic buildings be preserved; and~~

1 8.—~~That our parks and open space and their access to sunlight and vistas be protected from~~
2 ~~development.~~

3 ~~The manner in which the general goals are to be attained is set forth through a statement of~~
4 ~~objectives and policies in a series of elements, each one dealing with a particular topic, which applies~~
5 ~~citywide. The General Plan currently contains the following elements: Residence, Commerce and~~
6 ~~Industry, Recreation and Open Space, Community Facilities, Transportation, Community Safety,~~
7 ~~Environmental Protection, Urban Design and Arts. In addition, a Land Use Index cross-references the~~
8 ~~policies related to land use located throughout the General Plan. Additional elements may be added~~
9 ~~from time to time.~~

10 ~~The Plan also contains several area plans which cover their respective geographic areas of the city.~~
11 ~~Here the more general policies in the General Plan elements are made more precise as they relate to~~
12 ~~specific parts of the city.~~

13 ~~In addition to the elements, area plans and the land use index comprising the complete General~~
14 ~~Plan, there are several documents which support the plan. These include background papers, technical~~
15 ~~reports, proposals for citizen review, environmental impact reports or negative declarations, program~~
16 ~~documents, and design guidelines. Program documents provide schedules and programs for the short~~
17 ~~range implementation of the General Plan.~~

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
ROBB KAPLA
Deputy City Attorney

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LEGISLATIVE DIGEST

[General Plan - Environmental Justice Framework and General Plan Introduction]

Ordinance amending the San Francisco General Plan by adopting the San Francisco Environmental Justice Framework and amending the Introduction to the General Plan; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The San Francisco General Plan currently includes an Introduction, 10 elements, and several Area Plans.

Amendments to Current Law

This ordinance would repeal the current Introduction to the San Francisco General Plan and replace it with a new, updated Introduction, one which reflects current values and themes from public engagement and the Planning Commission's and Historic Preservation Commission's resolutions centering the Department's work in racial and social equity.

The ordinance would also adopt an Environmental Justice Framework (EJ Framework), which outlines a set of policy priorities to be incorporated into the General Plan, in strong alignment with citywide racial and social equity goals. The EJ Framework includes an Environmental Justice Communities Map (EJ Communities Map), which identifies areas of the city that face disproportionate burden of environmental health challenges, informed by state and local data. Rather than a standalone Environmental Justice Element, the ordinance incorporates the EJ Framework by reference in the General Plan Introduction, to ensure that environmental justice is integrated throughout the General Plan.

Background Information

The current Introduction to the General Plan was last amended in 1996.

The EJ Framework is a state-mandated component of the General Plan, in accordance with Government Code §65302(h).

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