

1 [Neighborhood Commercial District Permit Notification]

2 AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE  
3 (PLANNING CODE) BY ADDING SECTION 312 TO ESTABLISH A 30-DAY  
4 MAILING AND POSTING NOTIFICATION REQUIREMENT FOR BUILDING PERMIT  
5 APPLICATIONS PROPOSING DEMOLITION, NEW CONSTRUCTION, ALTERATIONS  
6 EXPANDING THE EXTERIOR DIMENSIONS OF A BUILDING OR CHANGES OF USE  
7 IN NEIGHBORHOOD COMMERCIAL DISTRICTS, VARIOUS AMENDMENTS TO  
8 SECTION 311 PROVIDING FLEXIBILITY IN THE SCHEDULING OF  
9 DISCRETIONARY REVIEW HEARINGS AND ASSIGNING THE ADMINISTRATION  
10 OF RESIDENTIAL DESIGN GUIDELINES AND GENERAL PLAN POLICIES TO THE  
11 DIRECTOR OF PLANNING, ADOPTING FINDINGS PURSUANT TO PLANNING CODE  
12 SECTION 101.1.

13  
14 Note: Additions are underlined; deletions are in ((double parentheses)).

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

16 Section 1.

17 (a) General Findings.

18 The Board of Supervisors hereby finds and declares that the following existing  
19 conditions create a need to add Planning Code Section 312:

20 There is currently no public notification requirement under the Planning Code  
21 for building permit applications on properties within Neighborhood Commercial

Supervisor Leno

1 Districts.

2 Neighborhood Commercial Districts are mixed-use zoning districts typically  
3 including both commercial uses at the street level and dwelling units on the upper  
4 floors.

5 Neighborhood Commercial Districts are typically located abutting or in a  
6 surrounding context of residentially zoned properties. Building projects and various  
7 types of commercial uses in Neighborhood Commercial Districts can have direct and  
8 indirect impacts on local area residents.

9 In 1996 Section 311 of the Planning Code was enacted, requiring neighborhood  
10 notification of building permit applications in Residential Districts where demolition,  
11 new construction, building expansion or change of use was proposed. A mailed notice  
12 to neighborhood organizations, property owners, residents and occupants within  
13 150-feet of a project site, standardized posted notice and a 30-day review period are  
14 currently required of such applications under this section.

15 Since the introduction of broader residential notification under Section 311,  
16 residents and neighborhood organizations have become accustomed to this contact and  
17 opportunity for input.

18 In 1997, the Planning Department conducted a citywide issues survey of  
19 neighborhood organizations ("San Francisco Neighborhood Planning - Issues Survey  
20 Report"). About 84 of the neighborhood organizations responding (70.5% of the total)  
21 identified notification in Neighborhood Commercial Districts as an issue. Public  
22 testimony before the Planning Commission has regularly requested some form of

1 notification for building projects and use changes to advise neighbors of the impacts of  
2 a proposed project and provide an opportunity to resolve issues affecting quality of life  
3 and neighborhood character.

4 One of the Priority General Plan Policies passed by the voters as an Initiative  
5 Ordinance in 1986 and found in Planning Code Section 101.1(b) states, "That existing  
6 housing and neighborhood character be conserved and protected in order to preserve  
7 the cultural and economic diversity of our neighborhoods." The establishment of  
8 notification and resultant broader public review of building proposals in Neighborhood  
9 Commercial Districts would encourage the conservation of neighborhood character.  
10 These mixed-use commercial areas are an expression of the character of the  
11 surrounding residential neighborhood and integral to its identification.

12 The Board finds that it is necessary to the public health, safety and welfare that  
13 existing neighborhood character of communities including and surrounding  
14 Neighborhood Commercial Districts be protected, and that public notification of  
15 building permit applications should be instituted to advise surrounding property  
16 owners, residents and business persons of such applications. This notice would provide  
17 an opportunity to identify and resolve potential conflicts.

18 (b) Priority Policy Findings. The proposed amendment would conform to the Priority  
19 Policies of Planning Code section 101,1,

20 (1) The legislation is consistent with Priority Policy 1 in that it would encourage the  
21 retention of neighborhood-serving businesses which provide employment and  
22 ownership opportunities for local residents.

1 (2) The legislation is consistent with Priority Policy 2 in that it would encourage the  
2 conservation of neighborhood character by providing greater notification and broader  
3 review of building proposals.

4 (3) The legislation is consistent with Priority Policy 3 in that it would have no effect  
5 on city's supply of affordable housing.

6 (4) The legislation is consistent with Priority Policy 4 in that it would not effect  
7 commuter traffic or Muni transit service.

8 (5) The legislation is consistent with Priority Policy 5 in that it would not effect  
9 industrial or service uses.

10 (6) The legislation is consistent with Priority Policy 6 in that it would have no  
11 adverse effect on the city's earthquake preparedness.

12 (7) The legislation is consistent with Priority Policy 7 in that it would not change  
13 the rules regarding landmarks and historic buildings.

14 (8) The legislation is consistent with Priority Policy 8 in that it would not effect  
15 parks and open spaces.

16 Section 2. The San Francisco Planning Code is hereby amended by adding Section 312 and  
17 amending Section 311, as follows:

18 SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES FOR  
19 ALL NC DISTRICTS.

20 (a) Purpose. The purpose of this Section is to establish procedures for reviewing building  
21 permit applications for lots in NC Districts in order to determine compatibility of the proposal  
22 with the neighborhood and for providing notice to property owners, occupants and residents

1 neighboring the site of the proposed project and to interested neighborhood organizations, so  
2 that concerns about a project may be identified and resolved during the review of the permit.

3 (b) Applicability. Except as indicated herein, all building permit applications for  
4 demolition, new construction, alterations which expand the exterior dimensions of a building,  
5 or changes of use per the use categories of Article 7 shall be subject to the notification and  
6 review procedures required by this Section. Subsection 312(e) regarding demolition permits  
7 and approval of replacement structures shall apply to all NC Districts. For the purposes of this  
8 Section, addition to a building of the features listed in Section 136(c)(1) through 136(c)(24)  
9 and 136(c)(26) shall not be subject to notification under this Section .

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

19 (1) Neighborhood Commercial Design Guidelines. The construction of new  
20 buildings and alteration of existing buildings in NC Districts shall be consistent with the design  
21 policies and guidelines of the General Plan as adopted and periodically amended for specific  
22 areas or conditions by the Planning Commission. The Director of Planning may require

1 modifications to the exterior of a proposed new building or proposed alteration of an existing  
2 building in order to bring it into conformity with the General Plan. These modifications may  
3 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,  
4 openings, and landscaping.

5 (2) Notification. Upon determination that an application is in compliance with the  
6 development standards of the Planning Code, the Planning Department shall cause a notice to  
7 be posted on the site pursuant to rules established by the Zoning Administrator and shall cause  
8 a written notice describing the proposed project to be sent in the manner described below.

9 This notice shall be in addition to any notices required by the Building Code and shall have a  
10 format and content determined by the Zoning Administrator. It shall include a description of  
11 the proposal compared to any existing improvements on the site with dimensions of the basic  
12 features, elevations and site plan of the proposed project including the position of any adjacent  
13 buildings, exterior dimensions and finishes, a graphic reference scale, existing and proposed  
14 uses and commercial or institutional business name, if known. The notice shall describe the  
15 project review process and shall set forth the mailing date of the notice and the expiration date  
16 of the notification period.

17 Written notice shall be mailed to the notification group which shall include the  
18 project sponsor, relevant neighborhood organizations as described in Subparagraph  
19 312(c)(2)(C) below, all individuals having made a written request for notification for a specific  
20 parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent  
21 practical, occupants, of properties in the notification area.

22 (A) The notification area shall be all properties within 150 feet of the subject

1 lot in the same Assessor's Block and on the block face across from the subject lot. When the  
2 subject lot is a corner lot, the notification area shall further include all property on both block  
3 faces across from the subject lot, and the corner property diagonally across the street.

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

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

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

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

19 (d) Requests for Planning Commission Review. A request for the Planning Commission to  
20 exercise its discretionary review powers over a specific building permit application shall be  
21 considered by the Planning Commission if received by the Planning Department no later than  
22 5:00 p.m. of the last day of the notification period as described under Subsection (c)(3) above,

1 subject to guidelines adopted by the Planning Commission.

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

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

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

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

20 (1) The demolition of any building whether or not historically and architecturally important  
21 may be approved administratively where the Director of the Department of Building Inspection  
22 or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation



1 with the Zoning Administrator, that an imminent safety hazard exists, and the Director of the  
2 Department of Building Inspection determines that demolition or extensive alteration of the  
3 structure is the only feasible means to secure the public safety.

4 SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH AND RM  
5 DISTRICTS.

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

11 (b) Applicability. Except as indicated herein, all building permit applications for new  
12 construction and alteration of residential buildings in RH and RM districts shall be subject to  
13 the notification and review procedures required by this Section. Subsection 311(e) regarding  
14 demolition permits and approval of replacement structures shall apply to all R Districts. For  
15 the purposes of this Section, an alteration shall be defined as any change in use of a residential  
16 building or an increase to the exterior dimensions of a residential building except those features  
17 listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26).

18 (c) Building Permit Application Review for Compliance and Notification. Upon  
19 acceptance of any application subject to this Section, the ((Department of City)) Planning  
20 Department shall review the proposed project for compliance with the ((City)) Planning Code  
21 and any applicable design guidelines approved by the ((City)) Planning Commission.

22 Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and

1 2.5 of the ((City)) Planning Code, Residential Design Guidelines, including design guidelines  
2 for specific areas adopted by the Planning Commission, or with any applicable conditions of  
3 previous approvals regarding the project, shall be held until either the application is determined  
4 to be in compliance, is disapproved or a recommendation for cancellation is sent to the  
5 Department of Building Inspection.

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

16 (2) Notification. Upon determination that an application is in compliance with the  
17 development standards of the ((City)) Planning Code, the ((Department of City)) Planning  
18 Department shall cause a notice to be posted on the site pursuant to rules established by the  
19 Zoning Administrator and shall cause a written notice describing the proposed project to be  
20 sent in the manner described below. This notice shall be in addition to any notices required by  
21 the Building Code and shall have a format and content determined by the Zoning  
22 Administrator. It shall include a description of the proposal compared to any existing

1 improvements on the site with dimensions of the basic features, elevations and site plan of the  
2 proposed project including the position of any adjacent buildings, exterior dimensions and  
3 finishes, and a graphic reference scale. The notice shall describe the project review process and  
4 shall set forth the mailing date of the notice and the expiration date of the notification period.

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

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

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

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

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

1 of neighboring properties and by neighborhood groups.

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

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

14 The project sponsor of a building permit application may request discretionary review  
15 by the ((City)) Planning Commission to resolve conflicts between the ((Zoning Administrator))  
16 Director of Planning and the project sponsor concerning requested modifications to comply  
17 with the Residential Design Guidelines.

18 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing  
19 requests for discretionary review by the ((City)) Planning Commission within a reasonable  
20 period((, and not more than 30 days after the close of the notification period described in  
21 311(c)(3) above)).

22 (2) Notice. Mailed notice of the discretionary review hearing by the ((City))

1 Planning Commission shall be given not less than 10 days prior to the date of the hearing to the  
2 notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing  
3 shall be made as provided under ((City)) Planning Code Section 306.8.

4 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless the  
5 building is determined to pose a serious and imminent hazard as defined in the Building Code  
6 an application authorizing demolition in any R District of an historic or architecturally  
7 important building or of a dwelling shall not be approved and issued until the City has granted  
8 final approval of a building permit for construction of the replacement building. A building  
9 permit is finally approved if the Board of ((Permit)) Appeals has taken final action for approval  
10 on an appeal of the issuance or denial of the permit or if the permit has been issued and the  
11 time for filing an appeal with the Board has lapsed with no appeal filed.

12 (1) The demolition of any building whether or not historically and architecturally important  
13 may be approved administratively where the Director of the Department of Building Inspection  
14 or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation  
15 with the Zoning Administrator, that an imminent safety hazard exists, and the

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1 Director of the Department of Building Inspection determines that demolition or extensive  
2 alteration of the structure is the only feasible means to secure the public safety. (Added by Ord.  
3 46-96, App. 2/2/96)

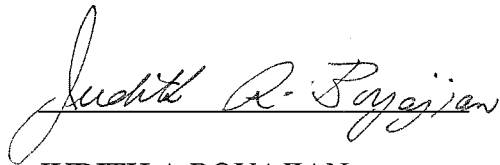
4 APPROVED AS TO FORM:

5 ///

6 LOUISE H. RENNE, City Attorney

7 ///

8 By:



9 JUDITH A BOYAJIAN

10 Deputy City Attorney

11  
12  
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW  
*Not a project per CEQA Statutes Sec. 21065*  
*J. Billings 7/17/00*



# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 001423

**Date Passed:**

Ordinance amending Part II, Chapter II, of the San Francisco Municipal Code (Planning Code) by adding Section 312 to establish a 30-day mailing and posting notification requirement for building permit applications proposing demolition, new construction, alterations expanding the exterior dimensions of a building or changes of use in Neighborhood Commercial Districts, various amendments to Section 311 providing flexibility in the scheduling of discretionary review hearings and assigning the administration of Residential Design Guidelines and General Plan policies to the Director of Planning, adopting findings pursuant to Planning Code Section 101.1.

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November 20, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 4, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

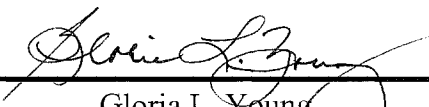
File No. 001423

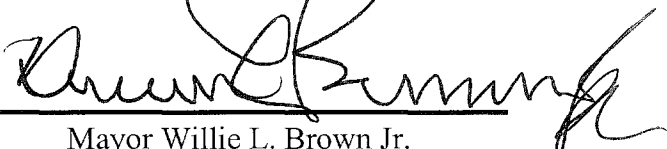
I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on December 4, 2000  
by the Board of Supervisors of the City and  
County of San Francisco.

DEC 15 2000

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Date Approved

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.