File No. 240070 **Committee Item No.** 2
Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation **Date:** March 11, 2024
Board of Supervisors Meeting: **Date:** March 19, 2024

Cmte Board

☐	☐	**Motion**
☐	☐	**Resolution**
☒	☒	**Ordinance**
☒	☒	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☐	**Introduction Form**
☐	☐	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract / DRAFT Mills Act Agreement**
☐	☐	**Form 126 – Ethics Commission**
☐	☐	**Award Letter**
☐	☐	**Application**
☐	☐	**Public Correspondence**

OTHER

☒	☒	Planning Commission Transmittal – January 25, 2024
☒	☒	CEQA Determination – March 5, 2024
☒	☒	CEQA Referral – February 14, 2024
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	

Prepared by: John Carroll **Date:** March 7, 2024
Prepared by: John Carroll **Date:** March 15, 2024
Prepared by: **Date:**

[Planning Code - Exceptions and Extensions for Existing Uses]

Ordinance amending the Planning Code to modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District; permit large movie theater signage in the Japantown Neighborhood Commercial District; allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024; clarify eligibility for reduction in Inclusionary Housing requirements; and correct an error in the Zoning Control Table for the Urban Mixed Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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 ~~strikethrough 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. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 240070 and is incorporated herein by reference. The Board affirms this determination.

(b) On December 14, 2023, the Planning Commission, in Resolution No. 21469, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 240070, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 210469, and the Board incorporates such reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 240070.

Section 2. Article 2 of the Planning Code is hereby amended by revising Section 242, to read as follows:

SEC. 242. BERNAL HEIGHTS SPECIAL USE DISTRICT.

* * * *

(e) **Controls**. All provisions of the Planning Code applicable to an RH-1, RH-1(S), RH-2, and RH-3 District shall apply to applicable portions of the Special Use District except as otherwise provided in this Section *242*.

(1) **Height Limits**. No portion of a dwelling in any portion of this district shall exceed a height of 30 feet except as provided below. *Notwithstanding the prior sentence, the heights limits in this subsection (e)(1) shall not apply to building permits for structures erected on Lots 055, 056, and 057 in Block 5526 approved before January 8, 2020.*

* * * *

Section 3. Article 6 of the Planning Code is hereby amended by revising Section 607.1, to read as follows:

SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.

* * * *

(f) **Business Signs**. Business Signs, as defined in Section 602, shall be permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set forth below.

* * * *

(2) **RC, NC-2, NCT-2, NC-S, Inner Balboa Street, Outer Balboa Street, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Cortland Avenue, Divisadero Street, Excelsior Outer Mission Street, Fillmore Street, Upper Fillmore Street, Folsom Street, Glen Park, Inner Sunset, Irving Street, Haight Street, Lower Haight Street, Hayes-Gough, Japantown, Judah Street, Upper Market Street, Noriega Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Regional Commercial District, Sacramento Street, San Bruno Avenue, SoMa, Taraval Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, and West Portal Avenue Neighborhood Commercial Districts**.

* * * *

(B) **Wall Signs**. The Area of all Wall Signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 100 square feet for each street frontage, whichever is less. The Height of any Wall Sign shall not exceed 24 feet, ~~*or*~~ the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which ~~*the Sign*~~*it* is attached,

whichever is lower. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

Notwithstanding the foregoing paragraph, a Wall Sign for a Movie Theater located within the Japantown NCD (i) shall not be higher than the height of the wall to which it is attached, (ii) shall have an area not to exceed 150 square feet, if it is located at a height of 30 feet or lower, (iii) shall have an area not to exceed 70 square feet, if it is located at a height of greater than 30 feet, and (iv) may be located on any building face so long as the total number of such Signs does not exceed the total number of streets on which the parcel containing the Movie Theater has frontage.

* * * *

Section 4. Articles 1.7 and 2 of the Planning Code are hereby amended by revising Sections 190, 191, and 205.2, to read as follows:

SEC. 190. CONVERSION OF MEDICAL CANNABIS DISPENSARIES TO CANNABIS RETAIL ESTABLISHMENTS.

* * * *

(d) This Section 190 shall expire by operation of law on ~~*January 1*~~*December 31*, 2024. Upon its expiration, the City Attorney ~~*shall*~~*is authorized to* cause this Section 190 to be removed from the Planning Code.

SEC. 191. AUTHORIZATION OF TEMPORARY CANNABIS RETAIL USES.

* * * *

(b) This Section 191 shall expire by operation of law on ~~*January 1*~~*December 31*, 2024. Upon its expiration, the City Attorney ~~*shall*~~*is authorized to* cause this Section 191 to be removed from the Planning Code.

SEC. 205.2. TEMPORARY USES: ONE- TO ~~*SIX*~~*SEVEN*-YEAR LIMIT.

A temporary use may be authorized for the following uses as specified below:

* * * *

(d) Temporary authorization for a period not to exceed ~~*six*~~*seven* years.

~~*(e)*~~ Temporary Cannabis Retail Use, as provided by Section 191, to be authorized no earlier than January 1, 2018 and to expire on ~~*January 1*~~*December 31*, 2024. This is the only type of Temporary Use allowed for the sale of cannabis or cannabis products.

Section 5. Article 4 of the Planning Code is hereby amended by revising Section 415A.2, to read as follows:

SEC. 415A.2. DEFINITIONS.

The following terms shall have the following definitions:

"Pipeline Project" means a residential or live/work project that (1) is subject to the Inclusionary Affordable Housing Ordinance, Planning Code Section 415.1 et seq., and (2) was Finally Approved prior to November 1, 2023, and (3) has not been issued a First Construction Document prior to November 1, 2023.

"Finally Approved" or "Final Approval" shall mean (1) approval of a project's first Development Application, unless such approval is appealed; or (2) if a project only requires a building permit, ~~*issuance*~~*planning approval* of the first site or building permit, unless such permit is appealed; or (3) if the first Development Application or first site or building permit is appealed, then the final decision upholding the Development Application, or first site or building permit, on the appeal by the relevant City Board or Commission. "Finally Approved" or "Final Approval" shall not include any modification of the approval under Section 415A.5.

Section 6. Article 8 of the Planning Code is hereby amended by revising Section 838, to read as follows:

SEC. 838. UMU – URBAN MIXED USE DISTRICT.

* * * *

Table 838

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Urban Mixed Use District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Utility and Infrastructure Use Category		
* * * *		
Wireless Telecommunications Services Facility	§ 102	C~~(3)~~(5)
* * * *		

* * * *

(3) P up to 3,999 gross sq. ft. per use; C for 4,000 gross sq. ft. or greater per use. Not subject to 3:1 ratio.

* * * *

(5) P in historic buildings per §803.9(c).

Section 7. Effective Date; Partial Retroactivity.

(a) 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.

(b) Upon the effective date, Section 4 of this ordinance shall be retroactive to January 1, 2024. Sections 2, 3, 5, and 6 of the ordinance shall not be retroactive.

Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
AUSTIN YANG
Deputy City Attorney

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FILE NO. 240070

LEGISLATIVE DIGEST

[Planning Code - Exceptions and Extensions for Existing Uses]

Ordinance amending the Planning Code to modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District; permit large movie theater signage in the Japantown Neighborhood Commercial District; allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024; clarify eligibility for reduction in Inclusionary Housing requirements; and correct an error in the Zoning Control Table for the Urban Mixed Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Planning Code Section 242 generally requires that no portion of a dwelling in any portion of this district shall exceed a height of 30 feet, with certain exceptions.

Sign heights and size in neighborhood commercial districts are generally governed by Planning Code Section 607.1.

Planning Code Sections 190, 191, and 205.2, permit Temporary Cannabis uses. The code sections authorizing this use were set to sunset on January 1, 2024.

Planning Code Section 415A.2 defines the terms "Finally Approved" or "Final Approval" to mean the (1) approval of a project's first Development Application, unless such approval is appealed; or (2) if a project only requires a building permit, issuance of the first site or building permit, unless such permit is appealed; or (3) if the first Development Application or first site or building permit is appealed, then the final decision upholding the Development Application, or first site or building permit, on the appeal by the relevant City Board or Commission.

Planning Code Section 838 generally specifies the controls applicable to Urban Mixed-Use Districts.

Amendments to Current Law

This ordinance would:

- Create an exception to the height limits in Planning Code Section 242 for building permits for structures erected on Lots 055, 056, and 057 in Block 5526 approved before January 8, 2020.

- Create specific size and location controls for wall signs for movie theaters located within the Japantown NCD.
- Extend the sunset date for the Temporary Cannabis Uses to December 31, 2024.
- Amend the definition of “Finally Approved” or “Final Approval” for purposes of Planning Code Section 415A.2 to mean the Planning Department’s approval of a building permit rather than the issuance of a building permit or site permit.
- Correct a typographical error regarding the applicable control for Wireless Telecommunications Services Facilities in the Urban Mixed-Use District.

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San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
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January 25, 2024

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2023-009168PCA:
Exceptions and Extensions for Existing Uses

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo,

On December 14, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, initiated by the Planning Commission, that would amend the Planning Code to modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District, permit large movie theater signage in the Japantown Special Use District, allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024, clarify eligibility for reduction in Inclusionary Housing requirements, and correct an error in the Zoning Control Table for the Urban Mixed Use District.. At the hearing the Planning Commission recommended approval with modification. All proposed modifications have been added to the attached ordinance.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: Austin Yang, Deputy City Attorney
John Carroll, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary

San Francisco Planning

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PLANNING COMMISSION RESOLUTION NO. 21469

HEARING DATE: DECEMBER 14, 2023

Project Name:	Exceptions and Extensions for Existing Uses (Code Fix Ordinance)
Case Number:	2023-009168PCA
Staff Contact:	Audrey Merlone, Legislative Affairs Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD MAKE AMENDMENTS TO THE PLANNING CODE TO MODIFY OFFESET REQUIREMENTS FOR HEIGHTS EXCEEDING 30 FEET IN THE BERNAL HEIGHTS SPECIAL USE DISTRICT; PERMIT LARGE MOVIE THEATER SIGNAGE IN THE JAPANTOWN SPECIAL USE DISTRICT; ALLOW MEDICAL CANNABIS DISPENSARIES TO CONTINUE OPERATING AS TEMPORARY CANNABIS RETAIL USES UNTIL DECEMBER 31, 2024; CLARIFY ELIGIBILITY FOR REDUCTION IN INCLUSIONARY HOUSING REQUIREMENTS; AND CORRECT AN ERROR IN THE ZONING CONTROL TABLE FOR THE URBAN MIXED USE DISTRICT; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, the is a living document which changes often and contains many layers; and

WHEREAS, errors are bound to occur on occasion by staff when implementing the Code; and

WHEREAS, the proposed Planning Code text changes would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein; and

WHEREAS, due to multiple changes to the Planning Code, over time text has been dropped inadvertently, amendments made by one ordinance are not reflected in subsequent legislation, and citations have become out of date; and

WHEREAS, due to the complexity of the Planning Code, over time errors in implementation of the Code are bound to occur; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the proposed changes in the ordnance can be classified as "good government" measures meant to improve the clarity, fairness, and implementation of the Planning Code; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on December 14, 2023; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under California Environmental Quality Act Sections 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment:

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission's proposed modifications are as follows:

1. Amend Sec. 607.1 to reference the Japantown *NCD*, rather than the Japantown SUD.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Planning Code is a living document which changes often and contains many layers. As such, errors are bound to occur on occasion by staff when implementing the Code. In this case, two very specific projects (one in Bernal Heights, and one in the Japantown NCD), followed all proper permitting procedures, and received approvals from all appropriate agencies. The Planning Department approved these permits in error, and as such, both projects built or installed approved elements that do not actually meet the Planning Code. The additions or installed elements cannot be reversed without great expense to the project sponsor. As such, the Department proposes to amend the Code to allow these non-compliant elements to remain.

Similarly, to the complexity of the Planning Code, the volume of legislative actions and complexity of the Code as a legal, living document ensures that errors will inadvertently arise. The result of these mistakes can lead to conflicts in implementation between agencies (as is the case with the temporary use for cannabis retail), or

make it impossible to use the program the ordinance established (as is the case with the inclusionary reduction ordinance). The proposed amendments will ensure that there is consistency across city codes in implementation of the cannabis temporary use authorization, and that the temporary reduction in inclusionary program can be utilized. It will also make two amendments that can be considered corrective in nature, which will make the code more consistent, accurate and easier to use.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

POLICY 40:
ENFORCE AND IMPROVE PLANNING PROCESSES AND BUILDING REGULATIONS TO ENSURE A HEALTHY ENVIRONMENT FOR NEW HOUSING DEVELOPMENTS, ESPECIALLY IN ENVIRONMENTAL JUSTICE.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 6:
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

The proposed Ordinance will make both substantive and non-substantive corrections that were due to staff processing error and that if not corrected would harm housing production, a neighborhood commercial district, and make the Planning Code more difficult to implement.

Planning Code Section 101 Findings

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

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

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

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

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

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

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

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

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

7. That the landmarks and historic buildings be preserved;

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

8. That our parks and open space and their access to sunlight and vistas be protected from development;

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 14, 2023.

Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2024.01.03 10:45:29 -08'00'

Jonas P. Ionin
Commission Secretary

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: December 14, 2023

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

EXECUTIVE SUMMARY
PLANNING CODE TEXT AMENDMENT

HEARING DATE: November 16, 2023

Project Name:	Exceptions and Extensions for Existing Uses (Code Fix Ordinance)
Case Number:	2023-009168PCA
Staff Contact:	Audrey Merlone, Legislative Affairs Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 628-652-7533

Recommendation:	Approval with Modification

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District, permit large movie theater signage in the Japantown Special Use District, allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024, clarify eligibility for reduction in Inclusionary Housing requirements, and correct an error in the Zoning Control Table for the Urban Mixed Use District.

The Way It Is Now:

1. The Bernal Heights Special Use District (SUD) contains a height limit for most dwellings of 30 feet.

2. The Japantown Special Use District (SUD) does not regulate signage. The Japantown Neighborhood Commercial District (NCD) limits Wall Signs two square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 100 square feet for each street frontage, whichever is less. The Height of any Wall Sign may not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower.

3. Various sections of Articles 1.7 and 2 in the Planning Code state that the temporary use authorization for a medical cannabis dispensary to operate as a retail establishment expires on January 1, 2024.

4. Recently passed Ordinance No. 230769 added Section 415A which offers administrative reduction in

inclusionary rates for qualifying projects that have been Finally Approved prior to November 1, 2023. "Final Approval" is defined as (1) approval of a project's first Development Application, unless such approval is appealed; or (2) if a project only requires a building permit, issuance of the first site or building permit, unless such permit is appealed.

5. Table 838 states the zoning controls for the Urban Mixed Use (UMU) District. Wireless Telecommunications Facilities are listed as Conditionally permitted, with a footnote. The footnote states: "*P up to 3,999 gross sq. ft. per use; C for 4,000 gross sq. ft. or greater per use. Not subject to 3:1 ratio.*"

The Way It Would Be:

1. The Bernal Heights Special Use District (SUD) would be amended to state that the 30' height limit shall not apply to building permits for structures erected on Lots 055, 056, and 057 in Block 5526 approved before January 8, 2020.

2. Section 607.1, which regulates signage in the Japantown NCD would be amended to state that a Wall Sign for a Movie Theater located within the Japantown SUD (i) shall not be higher than the height of the wall to which it is attached, (ii) shall have an area not to exceed 150 square feet, if it is located at a height of 30 feet or lower, (iii) shall have an area not to exceed 70 square feet, if it is located at a height of greater than 30 feet, and (iv) may be located on any building face so long as the total number of such Signs does not exceed the total number of streets on which the parcel containing the Movie Theater has frontage.

3. Various sections of Articles 1.7 and 2 in the Planning Code would be amended state that the temporary use authorization for a medical cannabis dispensary to operate as a retail establishment expires on December 31, 2024.

4. Section 415A(2) would be amended to state that "Final Approval" is defined as if a project only requires a building permit, *approval* of the first site or building permit, unless such permit is appealed.

5. Table 838 would be amended to delete footnote 3 from Wireless Telecommunications Facilities.

Background

Initiation

On November 16, 2023, the Planning Commission, during their regularly scheduled hearing, voted unanimously to initiate and schedule this ordinance for adoption on or after December 6, 2023.

Bernal Heights SUD

The subject property at 420 Precita (Lots 055, 056, 057 in Block 5526) received approval in error on August 26, 2019, from the Department to construct a 213 square foot, one-story vertical addition at an existing two-story residential building. The approved addition was 10 feet 8 inches tall, resulting in an overall building height of approximately 38 feet 3 inches (Building Permit Application #201812067573). However, the Bernal Heights Special Use District (SUD) provides that no portion of any dwelling may exceed a height of 30 feet. The associated permits had been issued and construction had already commenced when the Department realized

that the project was approved in error. Retroactive compliance with the Bernal Heights SUD's height controls would cause an undue burden to the property owner, who followed the permit approval process appropriately and commenced construction only upon receiving approvals from all permit-reviewing agencies. The current 38-foot 3-inch building height will be controlled and memorialized with a Notice of Special Restrictions (NSR) on the property.

Signage in the Japantown NCD

The subject property at 1881 Post Street (d.b.a AMC Theatres) received an over-the-counter Department approval in 2017 for three "AMC" branded wall signs, which did not comply with the Planning Commission's Performance-Based Design Guidelines (Commission Guide for Formula Retail) and, in part, Planning Code 607.1(f)(2) for Wall Signs within certain Neighborhood Commercial and Residential-Commercial Districts. The three signs, affixed to the building's North (Post St.), East (Webster St) and West (Fillmore St.) facades, were installed with permit approval in August 2017 however, they did not adhere to the material specifications outlined in the Formula Retail Guide. Furthermore, the Post Street sign at 144 square feet, exceeds the 100 square foot maximum face area for signs within the Japantown Neighborhood Commercial Zoning District, and the east-facing sign technically does not have frontage directly on Webster. The Formula Retail Use received Conditional Use Authorization by the Planning Commission in March 2023. The proposed amendments will allow the AMC movie theater to retain its previously approved signage, which does not comply by being 1. Located on a façade that technically has no street frontage, and 2. Is higher than what current code allows.

Temporary Use Authorization for Medical Cannabis Dispensaries

There are currently four categories of cannabis business operators in San Francisco: Equity cannabis businesses, Incubators, Medical Cannabis Dispensaries, and operators permitted through the Amnesty program (former illicit operators granted temporary permits during the legalization process). These businesses are broadly governed by two sections of the City code: the Health Code (Article 33) and the Police Code (Article 16). Article 33 governs pre-existing Medical Cannabis Dispensaries, while Article 16 governs Equity businesses, Incubators, and Amnesty cannabis businesses. Currently the Office of Cannabis is working to transition Medical Cannabis Dispensaries from Article 33 to Article 16 compliance, thus consolidating all cannabis businesses under the authority of Article 16.

In 2022, the Board of Supervisors extended the authorities under Article 33 and Article 16 to allow Medical Cannabis Dispensaries to continue operations until December 31, 2024. This extension was intended to facilitate a longer runway for businesses to come into full compliance under Article 16. It is also important to note that Medical Cannabis Dispensaries were granted the right to sell adult-use cannabis in addition to medicinal cannabis after the legalization of adult-use cannabis in the State of California.

All cannabis businesses are also required to work with the Planning Department to ensure they are appropriately zoned and have the correct land-use. Previously, Medical Cannabis Dispensaries were zoned to sell only medicinal cannabis. To facilitate adult-use sales for Medical Cannabis Dispensaries, the Planning Department created the "temporary cannabis retail use," under which all Medical Cannabis Dispensaries currently operate.

In 2022, the Board of Supervisors passed Ordinance 221002, which extended the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024. This ordinance amended Article 33 of the Health Code and Article 16 of the Police Code.

Later that year, the Board of Supervisors passed Ordinance 220542, which amended the Planning Code to extend the date the "temporary cannabis retail use" designation could apply to Medical Cannabis Dispensaries; however, that Ordinance 220542 only extended that date to January 1, 2024.
As a result, the two sunset provisions are inconsistent and would cause the Medical Cannabis Dispensaries' land-use to expire on January 1, 2024, ceasing their ability to sell adult-use cannabis. It appears that the discrepancy in these sunset dates may have been an administrative error and not intentional. While the Office of Cannabis is making considerable progress converting these permits, it is unlikely that all operators will complete the conversion before January 1, 2024. The proposed amendments will not only give operators enough time to complete their conversions to retail, but also ensure the Planning Code is consistent with the Health Code.

Temporary Reduction in Inclusionary Requirements Ordinance

Ordinance No. 230769 added Section 415A which offers administrative reduction in inclusionary rates for qualifying projects that have been Finally Approved prior to November 1, 2023. "Final Approval" is defined as (1) approval of a project's first Development Application, unless such approval is appealed; or (2) if a project only requires a building permit, issuance of the first site or building permit, unless such permit is appealed.

Section 415A.2 defines a "Pipeline Project" as a residential or live/work project that is (1) subject to the Inclusionary Affordable Housing Ordinance...and (2) was Finally Approved prior to November 1, 2023, and (3) has not been issued a First Construction Document prior to November 1, 2023.

If a project only requires a building permit, then that is also considered the first construction document for the project. In practice, this means that the time a project may meet the definition of a "Pipeline Project," is the same moment that the project becomes ineligible for the reduction. A project that only requires a building could never meet the eligibility criteria to be considered a "Pipeline Project" under Section 415A and could never be eligible for reductions.

In part, ordinance No. 230769 was intended to improve the feasibility of residential development. This error creates barriers for code-compliant projects that do not require discretionary action, especially considering that the choice to pursue a building permit instead of a site permit may expedite the overall permitting and construction process. Changing the word "issuance" to "Planning approval" in 415A.2(2) ensures projects are not disqualified in the same moment that they become qualified.

General Plan Compliance

Policy 40 of the Housing Element is to "Enforce and improve planning processes and building regulations to ensure a healthy environment for new housing developments, especially in environmental justice." Objective 6 of the Commerce and Industry Element is to "Maintain and strengthen viable neighborhood commercial areas easily accessible to city residents". The proposed Ordinance will make both substantive and non-substantive corrections that were due to staff processing error and that if not corrected would harm housing production, a neighborhood commercial district, and make the Planning Code more difficult to implement.

Recommendation

The Department recommends that the Commission recommend approval with modifications of the resolution to initiate the Planning Code amendments for consideration on or after December 6, 2023. The Department's recommended modification is:

1. Amend Sec. 607.1 to reference the Japantown *NCD*, rather than the Japantown SUD.

Basis for Recommendation

The Planning Code is a living document which changes often and contains many layers. As such, errors are bound to occur on occasion by staff when implementing the Code. In this case, two very specific projects (one in Bernal Heights, and one in the Japantown NCD), followed all proper permitting procedures, and received approvals from all appropriate agencies. The Planning Department approved these permits in error, and as such, both projects built or installed approved elements that do not actually meet the Planning Code. The additions or installed elements cannot be reversed without great expense to the project sponsor. As such, the Department proposes to amend the Code to allow these non-compliant elements to remain.

Similarly, to the complexity of the Planning Code, the volume of legislative actions and complexity of the Code as a legal, living document ensures that errors will inadvertently arise. The result of these mistakes can lead to conflicts in implementation between agencies (as is the case with the temporary use for cannabis retail), or make it impossible to use the program the ordinance established (as is the case with the inclusionary reduction ordinance). The proposed amendments will ensure that there is consistency across city codes in implementation of the cannabis temporary use authorization, and that the temporary reduction in inclusionary program can be utilized. It will also make two amendments that can be considered corrective in nature, which will make the code more consistent, accurate and easier to use.

Recommendation One: Although the Movie Theater in question is in both the Japantown SUD and Japantown NCD, the amendment would be made in the section of the Planning Code that controls for Signs in the Japantown NCD. The SUD is not proposed to be amended. Additionally, this amendment is meant to be for a specific building, and the NCD is a smaller area than the SUD.

Required Commission Action

The proposed Ordinance is before the Commission so that it may initiate the proposed Ordinance and schedule a time for the Ordinance to be heard for adoption.

Environmental Review

The proposal to amend the Planning Code is anticipated to result in no physical impact on the environment. Evaluation under CEQA will be complete prior to the adoption hearing.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

BOARD of SUPERVISORS

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San Francisco 94102-4689
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MEMORANDUM

Date: February 14, 2024

To: Planning Department/Planning Commission

From: John Carroll, Assistant Clerk, Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 240070
Planning Code - Exceptions and Extensions for Existing Uses

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
☒ Ordinance / Resolution
☐ Ballot Measure

CEQA for heights exception on Lots 055, 056, and 057 in Block 5526 are covered under Categorical Exemption issued 7/1/2019 (Case No. 2018-016540) and the remainder of the changes in File 240070 is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

3/5/2024

☐ 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 John Carroll at john.carroll@sfgov.org.

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		**Block/Lot(s)**
420-422 Precita Avenue		5526054
Case No.		**Permit No.**
2018-016540ENV		201812067573
■ **Addition/ Alteration**	☐ **Demolition (requires HRE for Category B Building)**	☐ **New Construction**

Project description for Planning Department approval.

Th existing property consists of two buildings with three residential units. The proposed project pertains to the building fronting Precita Ave (420-422 Precita Ave). The project scope includes the addition & renovation to an existing three story two unit residential building. Proposed work: 1) Enlarge existing 3rd floor, relocate kitchen from 2nd to 3rd floor. 2) Add 3rd floor mezzanine/vertical addition. 3) Add new two story addition at existing single story side structure. 4) Convert existing rear second floor roof to a third floor deck. 5) Add new exterior stair from 2nd floor deck to 3rd floor. The proposed project will create an approximately 3267 square foot, two unit building (420-422 Precita) with no work to the rear cottage.

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
■	**Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
☐	**Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
☐	**Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. **FOR ENVIRONMENTAL PLANNING USE ONLY**
☐	**Class ____**

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (*refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)*
☐	**Hazardous Materials:** If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? *if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).*
☐	**Transportation:** Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Archeological Resources:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeo review is requried (*refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Topography*). If yes, Environmental Planning must issue the exemption.
☐	**Slope = or > 25%:** Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Topography*) **If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.**
☐	**Seismic: Landslide Zone:** Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.**
☐	**Seismic: Liquefaction Zone:** Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.**
Comments and Planner Signature (*optional*):	Laura Lynch

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Property Information Map)*	
■	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☐	**Category B:** Potential Historical Resource (over 45 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. **Change of use and new construction.** Tenant improvements not included.
☐	2. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	3. **Window replacement** that meets the Department's *Window Replacement Standards*. Does not include storefront window alterations.
☐	4. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	5. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	6. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	7. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*.
☐	8. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
■	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5**.
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
☐	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces**.
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

■	7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.
■	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*): vertical and horizontal additions minimally visible and treated so as to be compatible with the existing historic resource, new roof deck at rear
☐	9. **Other work** that would not materially impair a historic district (specify or add comments): *(Requires approval by Senior Preservation Planner/Preservation Coordinator)*
☐	10. **Reclassification of property status**. *(Requires approval by Senior Preservation Planner/Preservation* ☐ Reclassify to Category A ☐ Reclassify to Category C a. Per HRER or PTR dated 07/01/2019 *(attach HRER or PTR)* b. Other *(specify)*:

Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.

■	**Project can proceed with categorical exemption review**. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

Comments (*optional*):

Preservation Planner Signature: Monica Giacomucci

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

■	**No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.**	
	Project Approval Action: Building Permit	**Signature:** Monica Giacomucci
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	07/01/2019
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
420-422 Precita Avenue		5526/054
Case No.	Previous Building Permit No.	New Building Permit No.
2018-016540PRJ	201812067573	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
☐	Result in expansion of the building envelope, as defined in the Planning Code;
☐	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
☐	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
☐	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐	The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:	**Date:**

SAN FRANCISCO
PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		**Date of Form Completion**	5/14/2019

PROJECT INFORMATION:		
Planner:	Address:	
Monica Giacomucci	420 Precita Avenue	
Block/Lot:	Cross Streets:	
5526/055, 056, 057	Alabama and Harrison Streets	
CEQA Category:	Art. 10/11:	BPA/Case No.:
A	N/A	2018-016540ENV

PURPOSE OF REVIEW:			**PROJECT DESCRIPTION:**	
◉ CEQA	○ Article 10/11	○ Preliminary/PIC	◉ Alteration	○ Demo/New Construction

DATE OF PLANS UNDER REVIEW:	3/5/2019

PROJECT ISSUES:	
☐	Is the subject Property an eligible historic resource?
☒	If so, are the proposed changes a significant impact?
	Additional Notes:
	Submitted: Supplemental Information for Historic Resource Determination prepared by Mark Hulbert, Preservation Architecture (dated December 4, 2018) Include project description here

PRESERVATION TEAM REVIEW:			
Category:	◉ A	○ B	○ C

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: ○ Yes ◉ No	Criterion 1 - Event: ◉ Yes ○ No
Criterion 2 -Persons: ○ Yes ◉ No	Criterion 2 -Persons: ○ Yes ◉ No
Criterion 3 - Architecture: ○ Yes ◉ No	Criterion 3 - Architecture: ◉ Yes ○ No
Criterion 4 - Info. Potential: ○ Yes ◉ No	Criterion 4 - Info. Potential: ○ Yes ◉ No
Period of Significance:	Period of Significance: 1880 to 1912
	◉ Contributor ○ Non-Contributor

Complies with the Secretary's Standards/Art 10/Art 11:	(●) Yes	( ) No	( ) N/A
CEQA Material Impairment to the individual historic resource:	( ) Yes	(●) No	
CEQA Material Impairment to the historic district:	( ) Yes	(●) No	
Requires Design Revisions:	( ) Yes	(●) No	
Defer to Residential Design Team:	(●) Yes	( ) No	

PRESERVATION TEAM COMMENTS:

Based on review of plans prepared by David Thompson dated March 5, 2019, Planning staff finds that the proposed project will not materially impair the identified Bernal Heights North Historic District, nor will the project cause a significant impact to the historic resource. The subject property is improved with a Western False Front Italianate wood-frame, two-story, two-unit residential building to the north which is a contributor to the Bernal Heights North Historic District. A wood-frame, one-story residential cottage at the rear of the property has been identified as non-contributing.

Overall, the proposed project complies with the Secretary of the Interior's Standards and is compatible with the Bernal Heights North Historic District such that there will be no impact or potential impact to the historic district. Some of the main components of the project as it relates to the historic district include:

1) Architecture - The proposed vertical addition will maintain a plain, simple vernacular appearance similar to that of the existing building.

2) Volume - The proposed project will maintain an emphasis on volume rather than ornament by not including the application of referential decorative elements.

3) Materials - The proposed new cladding material will be painted wood clapboarding consistent with the existing cladding on the building.

4) Fenestration - The proposed fenestration is consistent with window types and sizes present on the existing building and within the historic district.

5) Roof form - The roof form of the historic structure will remain flat and the roof form of the proposed penthouse vertical addition will also be flat, which is consistent with the roof form of the existing building and with other buildings within the historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
Allison K. Vanderslice Digitally signed by Allison K. Vanderslice Date: 2019.07.01 11:06:38 -06'00'	

According to information accessed in Department files and photographs provided by the project sponsor, the rear building appears to have been heavily altered over time and lacks historic and architectural integrity such that it would qualify for listing on the California Register, either individually or as part of a district.

In contrast, the front building has seen relatively few alterations. Known permitted alterations to the front building include installation of asbestos shingle siding at the front elevation (1948); replacement of wood stairs at the front and rear (1961 and 1992); construction of a horizontal addition, rear porch, and rear deck (1993); and construction of a vertical addition (1996). The front elevation windows have also been replaced, but likely in-kind according to historic photographs. The front stair appears to have changed to a dogleg orientation from its original straight alignment.

Based on the California Register significance criteria, Department staff finds that the subject property at 420-422 Precita Avenue is individually eligible for inclusion in the California Register under Criterion 1 and 3 as a distinctive example of a type and period.

Character-defining features of the front building at 420-422 Precita include:

- Wood channel drop siding
- Bracketed wood cornice with paneled frieze
- Center gabled parapet
- Raised, recessed paneled entry accessed by wood stair
- Solid-panel wood door with wood single-lite transom window
- Wood double-hung 2-over-2 sash windows
- Moulded window and door casings with paired decorative brackets and hoods

The property is located in the California Register-Eligible Bernal Heights North Historic District, which was identified through a previous Historic Resource Evaluation. The subject property has not been evaluated relative to this historic district, which was found eligible under Criterion 1 for its significance as an early residential development in the then-rural Bernal Heights neighborhood and under Criterion 3 as a rare surviving collection of small-scale, late-Victorian and Edwardian-era residential properties. The period of significance for the Eligible Bernal Heights North Historic District is circa 1880 to 1912. The subject property was constructed before 1886, retains significant architectural integrity, and represents an early Victorian residence in the Bernal Heights neighborhood.

None of the owners or occupants of the front or rear buildings have been identified as important to history (Criterion 2). Based upon a review of information in the Department's records, the front and rear buildings are not significant under Criterion 4, since this criterion typically applies to rare construction types when involving the built environment. The subject buildings do not exemplify a rare construction type. Assessment of archeological sensitivity is undertaken through the Department's Preliminary Archeological Review process and is outside the scope of this review.

The subject property was not included in the 1998 survey of the Area of Potential Effects of the Bernal Gateway project, nor was it mentioned in the Bernal Dwellings Historic Context Statement.

Staff finds that due to its date of construction and architectural integrity, the front building at the subject property is contributory within the Eligible Bernal Heights North Historic District.

Alabama & Precita, 1937. View West, 36-Line #744 on Alabama at Precita. Subject property is at the left. *Photographer Unknown (Courtesy of a Private Collector; accessed via Open SF History)*

SAN FRANCISCO
PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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Planning
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Preservation Team Meeting Date:		**Date of Form Completion**	2/19/2019

PROJECT INFORMATION:		
Planner:	Address:	
Monica Giacomucci	420 Precita Avenue	
Block/Lot:	Cross Streets:	
5526/055, 056, 057	Alabama and Harrison Streets	
CEQA Category:	Art. 10/11:	BPA/Case No.:
A	N/A	2018-016540ENV

PURPOSE OF REVIEW:			**PROJECT DESCRIPTION:**	
◉ CEQA	○ Article 10/11	○ Preliminary/PIC	◉ Alteration	○ Demo/New Construction

DATE OF PLANS UNDER REVIEW:	11/16/2018

PROJECT ISSUES:	
☒	Is the subject Property an eligible historic resource?
☐	If so, are the proposed changes a significant impact?
	Additional Notes:
	Submitted: Supplemental Information for Historic Resource Determination prepared by Mark Hulbert, Preservation Architecture (dated December 4, 2018)

PRESERVATION TEAM REVIEW:			
Category:	◉ A	○ B	○ C

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: ○ Yes ◉ No	Criterion 1 - Event: ◉ Yes ○ No
Criterion 2 -Persons: ○ Yes ◉ No	Criterion 2 -Persons: ○ Yes ◉ No
Criterion 3 - Architecture: ○ Yes ◉ No	Criterion 3 - Architecture: ◉ Yes ○ No
Criterion 4 - Info. Potential: ○ Yes ◉ No	Criterion 4 - Info. Potential: ○ Yes ◉ No
Period of Significance:	Period of Significance: 1880 to 1912
	○ Contributor ○ Non-Contributor

Complies with the Secretary's Standards/Art 10/Art 11:	◯ Yes	◯ No	◉ N/A
CEQA Material Impairment to the individual historic resource:	◯ Yes	◉ No	
CEQA Material Impairment to the historic district:	◯ Yes	◉ No	
Requires Design Revisions:	◯ Yes	◉ No	
Defer to Residential Design Team:	◉ Yes	◯ No	

PRESERVATION TEAM COMMENTS:

According to the Supplemental Application for Historic Resource Determination, the subject property is improved with a Western False Front Italianate wood-frame, two-story, two-unit residential building to the north ("front building") and a wood-frame, one-story residential cottage to the south ("rear building"), totaling three residential units. No work is planned for the rear building under the above permit application.

The exact date of construction for the front building is unknown; however, the front building appears as a two-flat building in the 1886 Sanborn Map on a large lot also containing a one-story store and two outbuildings. Precita Park (originally called Bernal Park) was completed in 1894, so the subject property predates a surge in residential development related to the park and neighborhood-serving streetcar lines. The earliest known occupant, Thomas H. Marks, resided at the property as early as 1898 based on City Directory research. Marks was California-born miner who lived and worked in Eureka, Nevada before relocating to San Francisco. Charles B. Blumberg, a hat cleaner, purchased the property in 1905 resided there with his wife, Martha, until approximately 1915. By this time, the one-story commercial building and several outbuildings had been removed from the subject lot, leaving just the front building and a small one-story rear structure. The property was addressed as 420-420 1/2 Precita Avenue.

Ludwig Thuswald, a baker, and his wife Marie purchased the property in 1915, but do not appear to have resided there. The Thuswalds sold the subject property to wholesale butcher Luigi (or Louis) Del Debbio and his wife Maria Pasquina in 1924, and the Del Debbio family resided at 420-420 1/2 Precita Avenue through 1945. Luigi was employed by the P. Micheletti Meat Co. at the Embarcadero, while his sons Angelo, Ernest, and Lawrence served in the United States Armed Forces. Alphonse Del Debbio owned an automobile garage at 1336 Grove Street in the Western Addition. After the Del Debbio family sold the property, the longest-term owners were Michael and Nazera Hider, who maintained ownership of 420-422 Precita from 1948 through 1984. Michael Hider co-owned Hider's Market, a neighborhood-serving grocery store in the Excelsior.

The property has been altered over time. Several outbuilding were constructed and demolished without the benefit of permits through at least the 1950s. As such, the date of construction for the rear building is not known. A smaller structure appears in the rear building's current location in the 1914 Sanborn Map. By 1950, that structure had expanded to the approximate footprint of the existing rear building.

(continued)

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date: