

Amendment of the Whole
September 14, 2005.

FILE NO. 050456

ORDINANCE NO.

1 [Section 311 Notification]

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3 **Ordinance amending the San Francisco Planning Code by amending Section 311 to**
4 **clarify that the project notification requirements apply to building permits for**
5 **demolition and change in the number of dwelling units as well as to building permits**
6 **for new construction and alteration and to require that the notification package sent to**
7 **neighboring property owners include specified information; adopting environmental**
8 **findings and findings pursuant to Planning Code Section 302.**

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

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

13 Section 1. Findings. (a) Pursuant to Planning Code Section 302, the Board of
14 Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare
15 for the reasons set forth in Planning Commission Resolution No. 17042, and incorporates
16 such reasons herein by reference. A copy of said Planning Commission resolution is on file
17 with the Clerk of the Board in File No. 050456.

18 (b) The Planning Department has determined that adoption of this ordinance is in
19 compliance with the California Environmental Quality Act (California Public Resources Code
20 sections 21000 et seq.). Said determination is on file with the Clerk of the Board in File No.
21 050456 and is incorporated herein by reference.

22 Section 2. The San Francisco Planning Code is hereby amended by amending
23 Section 311, to read as follows:

24 Sec. SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH AND RM
25 DISTRICTS.

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

6 (b) Applicability. Except as indicated herein, all building permit applications for
7 demolition and new construction, and alteration of residential buildings in RH and RM districts
8 shall be subject to the notification and review procedures required by this Section. Subsection
9 311(e) regarding demolition permits and approval of replacement structures shall apply to all
10 R Districts. For the purposes of this Section, an alteration shall be defined as any change in
11 use or change in the number of dwelling units of a residential building, removal of more than 75
12 percent of a residential building's existing internal structural framework or floor plates, or an
13 increase to the exterior dimensions of a residential building except those features listed in
14 Section 136(c)(1) through 136(c)(24) and 136(c)(26).

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

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

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

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

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

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

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

13 (3) Notification Period. All building permit applications shall be held for a period of
14 30 calendar days from the date of the mailed notice to allow review by residents and owners
15 of neighboring properties and by neighborhood groups.

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

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

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

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

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

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

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

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

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

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

1 The project sponsor of a building permit application may request discretionary review
2 by the Planning Commission to resolve conflicts between the Director of Planning and the
3 project sponsor concerning requested modifications to comply with the Residential Design
4 Guidelines.

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

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

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

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

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1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 JUDITH A. BOYAJIAN
5 Deputy City Attorney
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