

1 [Consent Calendar Procedures.]

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3 **Ordinance amending Planning Code Sections 316.2, 316.3, 316.4, 316.5, 316.6, 316.7**
4 **and 316.8 to conform the procedures for consideration of Planning Commission**
5 **consent calendar items in the Neighborhood-Commercial and South of Market districts**
6 **and for live-work units in RH and RM districts.**

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

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

11 Section 1. Findings

12 A. Consent calendar procedures were originally established in the South of Market
13 Area (SOMA) and Neighborhood Commercial (NC) Districts in the 1990s to expedite non-
14 controversial cases, however these procedures have not been effective since only specific
15 members of the public (ten or more property owners or tenants of the residential or
16 commercial property within 300 feet of the exterior boundaries of the subject property) can
17 remove a case from the consent calendar. Once a case is removed from the consent
18 calendar, the case must be re-noticed and rescheduled for a later hearing.

19 Recently, the Planning Commission has as part of their adopted rules and procedures,
20 allowed any single member of the public to remove a case from the consent calendar to be
21 heard at the same hearing. This distinction between the rules and the Planning Code, which
22 applies only to the SOMA and NC Districts, fosters a level of inconsistency between the
23 various districts and in fact discourages consent calendar items in the SOMA and NC
24 Districts. By removing the Consent Calendar language pertaining to cases in the SOMA and
25

1 NC Districts in the Planning Code, the Planning Commission can apply a more equitable rule
2 to all cases and in all districts.

3 B. The Board of Supervisors finds, pursuant to Planning Code Section 302, that the
4 proposed Planning Code amendment will serve the public necessity, convenience and
5 general welfare for the reasons set forth in Planning Commission Resolution No. _____ and
6 incorporates those reasons herein by this reference.

7 C. The Board of Supervisors finds that the proposed Planning Code amendment is in
8 conformity with the General Plan and the eight priority policies of Planning Code Section
9 101.1 for the reasons set forth in Planning Commission Resolution No. _____ and
10 incorporates those reasons herein by this reference.

11 Section 2. The San Francisco Planning Code is hereby amended by amending Section
12 316.2, to read as follows:

13 Sec. SEC. 316.2. ZONING ADMINISTRATOR REVIEW, SCHEDULING OF
14 HEARING, AND RECOMMENDATION.

15 The Zoning Administrator ~~will~~ shall review and schedule applications for
16 conditional use authorization for ~~City Planning Commission~~ review determination; either on
17 ~~consent calendar, with a recommendation regarding action on the application; or~~ at a public hearing.

18 (a) ~~Scheduling of Determination Review.~~ Scheduling of Determination Review. After an application for conditional use
19 is filed at the Department, the Zoning Administrator ~~will~~ shall review the application and
20 determine if the facts presented establish that the proposed use or feature is in conformity with the
21 criteria set forth in Section 303(c) and any other applicable provision of this Code. ~~set a time and~~
22 ~~place for determination of that application within a reasonable period.~~

23 (b) ~~Consent Calendar with Recommendation~~ Scheduling of Determination. After
24 reviewing an application, the Zoning Administrator shall set a time and place for Planning Commission
25 determination at a public hearing. ~~determine if the facts presented establish that the proposed use or~~

1 ~~feature is in conformity with the criteria set forth in Section 303(c) and any other applicable provision~~
2 ~~of this Code, and may submit findings to the Director of Planning which may recommend approval or~~
3 ~~approval with conditions, placing that recommendation on consent calendar.~~

4 ~~———— (c) ——— Public Hearing. After reviewing an application, the Zoning Administrator may~~
5 ~~determine that the public interest would best be served by a hearing where public testimony can be~~
6 ~~received on the application and shall in that event schedule the application for a public hearing.~~

7 ~~———— (d)-(c) Report and Recommendation. The Zoning Administrator shall make~~
8 ~~necessary investigations and studies and submit proposed findings to the Planning Director. The~~
9 ~~report and recommendation of the Planning Director will be submitted to the Planning Commission at~~
10 ~~a public hearing. In all actions involving a consent calendar or public hearing, the Zoning~~
11 ~~Administrator will make necessary investigations and studies and submit proposed findings to the~~
12 ~~Director of the Department of City Planning. The report and recommendation of the Director of~~
13 ~~Planning will be submitted when the consent calendar is considered or at the public hearing.~~

14 Section 3. The San Francisco Planning Code is hereby amended by amending Section
15 316.3, to read as follows:

16 SEC. 316.3. NOTICE OF TIME, PLACE, AND PURPOSE OF THE HEARING.
17 RECOMMENDATION AND DETERMINATION.

18 After review of an application subject to these procedures and scheduling of the
19 matter for Planning Commission determination, the Zoning Administrator ~~shall provide notice of~~
20 ~~the recommendation to be placed on the consent calendar and of the date and time that the matter will~~
21 ~~be considered by the Commission; or, in the event of a public hearing,~~ shall provide notice of the
22 time, place, and purpose of the hearing, as follows:

- 23 (a) By mail to the applicant or other person or agency initiating the action;
24 (b) By posting on the subject property at least 20 days prior to the date that
25 the matter is scheduled for determination by the ~~City~~ Planning Commission;

1 (c) By publication at least once in a newspaper of general circulation in the
2 City not less than 20 days prior to the scheduled date of the appearance of the item on the
3 ~~City~~ Planning Commission ~~consent~~ calendar at a ~~or of the~~ public hearing;

4 (d) By mail at least 20 days prior to the date that the matter is scheduled for
5 determination by the City Planning Commission to property owners within 300 feet of the
6 property that is the subject of the action using the names and addresses of owners as shown
7 on the latest citywide Assessment Roll in the office of the Tax Collector, as well as groups or
8 individuals requesting such notice in writing.

9 Failure to send notice by mail to any such property owner where the address of
10 such owner is not shown on such assessment roll shall not invalidate any proceedings in
11 connection with such action;

12 (e) Such other notice as the Zoning Administrator shall deem appropriate.

13 Section 4. The San Francisco Planning Code is hereby amended by deleting Section
14 316.4 in its entirety, as follows:

15 ~~SEC. 316.4. REQUEST FOR RECONSIDERATION OF CONSENT CALENDAR ITEMS AT A~~
16 ~~PUBLIC HEARING.~~

17 ~~———— (a) ——— Requests. Any application which is the subject of a consent calendar~~
18 ~~recommendation will be scheduled for a full public hearing if a request is made in writing prior to the~~
19 ~~date that the matter is scheduled for determination by the City Planning Commission or at the~~
20 ~~Commission meeting by any of the following:~~

21 ~~———— (1) ——— The applicant; or~~

22 ~~———— (2) ——— Ten or more property owners or tenants of the residential or commercial~~
23 ~~property within 300 feet of the exterior boundaries of the subject property; or~~

24 ~~———— (3) ——— Any City Planning Commissioner.~~

1 ~~———— (b) — Rescheduling. An item for which a request for public hearing has been made~~
2 ~~pursuant to Subsection (a), above, will be rescheduled for City Planning Commission review and~~
3 ~~determination at a public hearing. Notice of the time, place and purpose of the public hearing shall be~~
4 ~~provided as follows:~~

5 ~~———— (1) — By mail to the applicant or other person or agency initiating the action;~~

6 ~~———— (2) — By posting on the subject property at least 10 days prior to the scheduled date of~~
7 ~~the public hearing;~~

8 ~~———— (3) — By publication at least once in a newspaper of general circulation in the City not~~
9 ~~less than 10 days prior to the scheduled date of the public hearing;~~

10 ~~———— (4) — By mail at least 10 days prior to the scheduled date of the public hearing to all~~
11 ~~persons requesting such notice in writing;~~

12 ~~———— (5) — Such other notice as the Zoning Administrator shall deem appropriate.~~

13 Section 5. The San Francisco Planning Code is hereby amended by deleting Section
14 316.5 in its entirety, as follows:

15 ~~SEC. 316.5. CONDUCT OF CONSENT CALENDAR AND DETERMINATION.~~

16 ~~———— On applications placed on the consent calendar, the City Planning Commission will~~
17 ~~make determinations regarding the authorization of conditional uses, as follows.~~

18 ~~———— The City Planning Commission will consider the Director of Planning's~~
19 ~~recommendation, as shown on consent calendar, and make a determination regarding authorization of~~
20 ~~the conditional use.~~

21 ~~———— (a) — Determination. After considering the Director of Planning's recommendation~~
22 ~~regarding the application, the City Planning Commission may concur with that recommendation, as~~
23 ~~shown on consent calendar, without public testimony unless there is request for public hearing and the~~
24 ~~item is called off calendar as provided for in Section 316.4 of this Code.~~

1 ~~(b) Decision. Such action taken by the City Planning Commission to approve or~~
2 ~~approve with conditions, as shown on the consent calendar, shall be final except upon filing of an~~
3 ~~appeal as provided for in Section 316.8 of this Code.~~

4 Section 6. The San Francisco Planning Code is hereby amended by amending Section
5 316.6, to read as follows:

6 SEC. 316.46. CONDUCT OF PUBLIC HEARINGS AND DETERMINATION.

7 The provisions set forth in Section 306.4 of this Code with respect to conduct of
8 hearings shall govern whenever a ~~full~~ public hearing is required ~~pursuant to Sections 316.2 or~~
9 ~~316.4 of this Code.~~

10 Section 7. The San Francisco Planning Code is hereby amended by amending Section 316.7
11 to read as follows:

12 SEC. 316.57. RECONSIDERATION.

13 The provisions set forth in Section 306.5 of this Code shall govern with respect to
14 reconsideration of conditional use applications which have been disapproved.

15 //Section 8. The San Francisco Planning Code is hereby amended by amending Section
16 316.8, to read as follows:

17 SEC. 316.68. APPEAL.

18 A final determination by the ~~City~~ Planning Commission on an application for conditional
19 use authorization may be appealed to the Board of Supervisors pursuant to the provisions of
20 Section 308.1 of this Code.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 Kate Herrmann Stacy
25 Deputy City Attorney