

BOARD of SUPERVISORS



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July 21, 2021

File No. 210807

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 13, 2021, Supervisor Chan submitted the following legislation:

File No. 210807

Ordinance amending the Planning Code to repeal Article 12, which contains regulations governing land use activities associated with oil and gas exploration, development, and processing; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Planning Code - Repealing Article 12 Regarding Oil and Gas Facilities]

2

3 **Ordinance amending the Planning Code to repeal Article 12, which contains**
 4 **regulations governing land use activities associated with oil and gas exploration,**
 5 **development, and processing; affirming the Planning Department’s determination**
 6 **under the California Environmental Quality Act; and making findings of consistency**
 7 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1,**
 8 **and findings of public necessity, convenience, and welfare under Planning Code,**
 9 **Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 13 **Board amendment additions** are in double-underlined Arial font.
 14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 15 **Asterisks (* * * *)** indicate the omission of unchanged Code
 16 subsections or parts of tables.

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

18

19 Section 1. Findings.

20

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

26

27 (b) The Planning Department determined that the actions contemplated in this
 28 ordinance are consistent, on balance, with the City’s General Plan and eight priority policies of
 29 Planning Code Section 101.1. The Board adopts this determination as its own. A copy of

1 said determination is on file with the Clerk of the Board of Supervisors in File No.
2 _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
5 Planning Commission Resolution No. _____, and incorporates such reasons by this
6 reference thereto. A copy of said Resolution is on file with the Clerk of the Board of
7 Supervisors in File No. _____, and is incorporated herein by reference.

8
9 Section 2. The Planning Code is hereby amended by deleting Article 12, consisting of
10 Sections 1201, 1201.1, 1202, 1203, 1204, 1205, 1205.1, 1206, 1206.1, 1207, 1207.1, 1207.2,
11 1207.3, and 1208, as follows:

12 ~~**ARTICLE 12:**~~

13 ~~**OIL AND GAS FACILITIES**~~

14 ~~**SEC. 1201. TITLE.**~~

15 ~~_____ *This ordinance shall be known as the "Oil and Gas Facilities Ordinance."*~~

17 ~~**SEC. 1201.1. OIL AND GAS FACILITIES DISTRICT PROVISIONS.**~~

18 ~~_____ *The provisions set forth in this Article 12 shall regulate the land use activities, structures,*~~
19 ~~*equipment and/or facilities associated with oil and gas exploration, development and processing. In the*~~
20 ~~*event of conflict between provisions of Article 12 and other provisions of this Code, the provisions of*~~
21 ~~*Article 12 shall prevail.*~~

23 ~~**SEC. 1202. PURPOSE AND INTENT OF ARTICLE 12.**~~

24 ~~*This Article is intended to regulate all land use activities associated with oil and gas*~~
25 ~~*exploration, development and processing, in order to ensure consistency between this Code and the*~~

1 *Master Plan of the City and County of San Francisco. More specifically, the purposes of this Article*
2 *are:*

3 *(a) To provide in one Article a comprehensive listing of zoning categories, control provisions*
4 *and review procedures which are applicable to permits for land use activities associated with oil and*
5 *gas exploration, development and processing;*

6 *(b) To establish zoning control categories which regulate the full range of land use activities*
7 *that are associated with oil and gas exploration, development and processing;*

8 *(c) To establish a zoning system which will ensure compatibility of land uses permitted within*
9 *neighboring zoning districts, to the maximum extent feasible;*

10 *—— (d) To protect existing and future land use activities which are not related to oil and gas*
11 *exploration, development and processing from the potential harmful effects of activities which are*
12 *associated with oil and gas exploration, development and processing.*

13
14 **~~SEC. 1203. OIL AND GAS FACILITIES OVERLAY DISTRICTS.~~**

15 *—— The following two classes of overlay zoning districts are established for the purpose of*
16 *regulating land use activities associated with oil and gas exploration, development and processing:*

17 *(a) M-2(OGS): Heavy Industrial, Oil and Gas Support Facilities, Overlay District; and*

18 *(b) M-2(OGP): Heavy Industrial, Oil and Gas Processing Facilities, Overlay District.*

19 *The M-2(OGS) Overlay Zoning District is defined in Section 1205, below. The controls applicable*
20 *within said district are provided in Section 1205.1.*

21 *The M-2(OGP) Overlay Zoning District is defined in Section 1206, below. The controls applicable*
22 *within said district are provided in Section 1206.1.*

23
24 **~~SEC. 1204. MAPPING OF OIL AND GAS FACILITIES OVERLAY DISTRICTS. ——~~**

1 ~~———— The M-2(OGS) and M-2(OGP) Overlay Zoning Districts shall be mapped in accordance with~~
2 ~~the established procedures for amendments to the Zoning Map, as set forth in Article 3 of this Code.~~
3 ~~Every application for the mapping of such an overlay district shall be accompanied by a Preliminary~~
4 ~~Development Plan, as described in Sections 1207 and 1207.1, below.~~

5 ~~———— The application to map an M-2(OGS) or M-2(OGP) District shall not be approved unless a~~
6 ~~finding is made that there are no feasible alternative locations within San Francisco where the~~
7 ~~potential adverse environmental impacts of an oil and gas facility could be reduced or avoided.~~

8
9 **~~SEC. 1205. M-2(OGS) - HEAVY INDUSTRIAL OIL AND GAS SUPPORT FACILITIES,~~**
10 **~~OVERLAY DISTRICT.~~**

11 ~~This overlay district is intended to regulate the staging areas associated with oil and gas~~
12 ~~exploration, development and processing. The provisions related to this district shall apply to all~~
13 ~~activities, facilities, structures and equipment necessary or incidental to oil and gas exploration,~~
14 ~~development and processing. Such activity generally consists of, but is not limited to, the storage and~~
15 ~~transport of equipment, supplies, materials, waste products and personnel to and from development~~
16 ~~areas during construction of structures and exploration, development or processing of petroleum~~
17 ~~products. Such activity shall also include, but not be limited to, oil spill containment and recovery~~
18 ~~equipment, supplies, facilities, structures and operations, but only when in conjunction with other oil~~
19 ~~and gas support facilities at the same site.~~

20 ~~The M-2(OGS) District can only be mapped as an overlay to a site within an M-2 (Heavy~~
21 ~~Industrial) District.~~

22
23 **~~SEC. 1205.1. CONTROLS APPLICABLE WITHIN M-2(OGS) OVERLAY DISTRICT.~~**

24 ~~—(a) Staging areas associated with oil and gas exploration, development and processing shall~~
25 ~~be permitted as a conditional use within an M-2(OGS) Overlay District, in accordance with the~~

1 ~~established procedures for conditional use, as set forth in Article 3 of this Code. Staging areas~~
2 ~~proposed in conjunction with processing facilities shall also be permitted within an M-2 (OGP)~~
3 ~~Overlay District, in accordance with the regulations prescribed below in Sections 1206 and 1206.1.~~

4 ~~(b) No application for conditional use pursuant to this section shall be accepted by the~~
5 ~~Department of City Planning until an M-2(OGS) Overlay District has first been mapped pursuant to~~
6 ~~Section 1204, above.~~

7 ~~(c) Every application for conditional use pursuant to this section shall be accompanied by a~~
8 ~~proposed Final Development Plan, as described in Section 1207.2, below. In making the conditional~~
9 ~~use findings required by Section 303 of this Code, the City Planning Commission shall also be required~~
10 ~~to approve the Final Development Plan submitted by the applicant, pursuant to the procedures set forth~~
11 ~~in Section 1207.3, below.~~

12 ~~(d) In addition to the requirements prescribed in Subsections 1205.1(a) through 1205.1(e),~~
13 ~~above, no application for a staging area shall be approved unless the City Planning Commission finds~~
14 ~~either that the following development standards are satisfied, or that the applicant agrees to satisfy the~~
15 ~~following standards as a condition of project approval:~~

16 ~~———— (1) The applicant has received "Authority to Construct" from the Bay Area Air Quality~~
17 ~~Management District, if applicable;~~

18 ~~———— (2) The project will comply with all aspects of the City's Noise Ordinance, Article 29 of~~
19 ~~the Police Code. Such controls shall apply, but not be limited to construction equipment, operational~~
20 ~~noise, and all transportation vehicles accessing the site, including marine vessels and helicopters; and~~

21 ~~———— (3) No materials or equipment shall be delivered to or removed from the site via streets~~
22 ~~within a residentially zoned district between the hours of seven p.m. and seven a.m. of the following~~
23 ~~day.~~

1 ~~SEC. 1206. M-2(OGP) - HEAVY INDUSTRIAL, OIL AND GAS PROCESSING FACILITIES,~~
2 ~~OVERLAY DISTRICT.~~

3 ~~—— This overlay district is intended to regulate the processing facilities necessary or related to oil~~
4 ~~and gas exploration, development and processing. The provisions related to this district shall apply to~~
5 ~~all aspects of the production of oil and gas, including but not limited to:~~

6 ~~(a) Structures, equipment or facilities that process, convert, refine and/or treat crude oil and~~
7 ~~gas, including facilities that separate crude oil and gas from sea water and dissolved chemicals;~~

8 ~~(b) Pipelines, crude oil tanker facilities and other related methods by which crude oil and gas~~
9 ~~are transported to crude oil and gas processing or support facilities;~~

10 ~~(c) Storage tanks necessary or incidental to separation/treatment of oil and gas, or temporary~~
11 ~~storage of separated hydrocarbons, if related to an oil and gas processing operation, and equipment~~
12 ~~for transfer of the produced hydrocarbons to pipelines or tanker trucks, if related to an oil and gas~~
13 ~~processing operation;~~

14 ~~(d) Access roads necessary or incidental to an oil and gas production operation;~~

15 ~~(e) Oil-spill containment and recovery equipment, supplies, facilities, structures and~~
16 ~~operations, but only when proposed in conjunction with processing facilities; and~~

17 ~~(f) Staging areas, as designated above in Section 1205, but only when proposed in conjunction~~
18 ~~with processing facilities.~~

19 ~~The M-2(OGP) District can only be mapped as an overlay to a site within an M-2 (Heavy~~
20 ~~Industrial) District.~~

21
22 ~~SEC. 1206.1. CONTROLS APPLICABLE WITHIN M-2(OGP) OVERLAY DISTRICT.~~

23 ~~(a) Processing facilities necessary or related to oil and gas exploration and development shall~~
24 ~~be permitted only within an M-2(OGP) Overlay District, and only as a conditional use, in accordance~~
25 ~~with the established procedures for conditional use, as set forth in Article 3 of this Code. Support~~

1 ~~facilities, as described above in Section 1205, shall also be permitted as a conditional use within an M-~~
2 ~~2(OGP) overlay district.~~

3 ~~(b) No application for conditional use pursuant to this section shall be accepted by the~~
4 ~~Department of City Planning until an M-2(OGP) overlay district has first been mapped pursuant to~~
5 ~~Section 1204, above.~~

6 ~~(c) Every application for conditional use pursuant to this section shall be accompanied by a~~
7 ~~proposed Final Development Plan, as described in Section 1207.2, below. In making the conditional~~
8 ~~use findings as required by Section 303 of this Code, the City Planning Commission shall also be~~
9 ~~required to approve the final development plan submitted by the applicant, pursuant to the procedures~~
10 ~~set forth in Section 1207.3, below.~~

11 ~~(d) In addition to the requirements prescribed in Subsections 1206.1(a) through 1206.1(e),~~
12 ~~above, no application for a processing facility shall be approved unless the City Planning Commission~~
13 ~~finds either that the following development standards are satisfied, or that the applicant agrees to~~
14 ~~satisfy the following standards as a condition of project approval:~~

15 ~~—— (1) The applicant has received "Authority to Construct" from the Bay Area Air Quality~~
16 ~~Management District, if applicable;~~

17 ~~—— (2) The project will comply with all aspects of the City's Noise Ordinance, Article 29 of~~
18 ~~the Police Code. Such controls shall apply, but not be limited to construction equipment, operational~~
19 ~~noise, and all transportation vehicles accessing the site, including marine vessels and helicopters;~~

20 ~~—— (3) No materials or equipment shall be delivered to or removed from the site via streets~~
21 ~~within a residential district between the hours of seven p.m. and seven a.m. of the following day;~~

22 ~~—— (4) The project shall be made visually compatible with its surrounding land uses by any~~
23 ~~or all of the following measures: buffer strips, berms, landscaping, camouflage and/or painting;~~

24 ~~—— (5) All lights shall be shielded so as not to directly shine on adjacent properties; and~~

25 ~~—— (6) With regard to any pipelines required for the project:~~

1 ~~————— (A) No construction activity or deliveries within or through a residentially~~
2 ~~zoned district shall occur between the hours of seven p.m. and seven a.m. of the following day;~~

3 ~~————— (B) All equipment and activities shall be restricted to the pipeline right-of-way;~~

4 ~~————— (C) The pipeline corridor shall be sited so as to avoid residential, recreational,~~
5 ~~and archaeological resource areas, to the maximum extent possible;~~

6 ~~————— (D) Automatic shutoff valves shall be utilized so as to minimize the amount of a~~
7 ~~spill in the event of an accident; and~~

8 ~~————— (E) Appropriate measures for spill containment and cleanup specific to~~
9 ~~pipelines shall be included in the Final Development Plan.~~

10
11 **~~SEC. 1207. DEVELOPMENT PLANS.~~**

12 ~~———— (a) Development plans, within the meaning of this Article, are intended to provide the City~~
13 ~~Planning Commission with project description information for a project which is being reviewed~~
14 ~~pursuant to this Article. Development plans are intended to be used in conjunction with any other~~
15 ~~required materials so as to enable the City Planning Commission to make an informed decision on an~~
16 ~~application.~~

17 ~~———— (b) No decision shall be made by the City Planning Commission regarding the proposed~~
18 ~~mapping of an oil and gas facilities overlay district unless a Preliminary Development Plan, as~~
19 ~~described in Section 1207.1, below, has been submitted with the application for a zoning map~~
20 ~~amendment.~~

21 ~~(c) No decision shall be made by the City Planning Commission regarding the proposed~~
22 ~~construction or operation of an oil and gas support facility or an oil and gas processing facility until a~~
23 ~~Final Development Plan has been approved pursuant to the procedures set forth in Section 1207.3,~~
24 ~~below.~~

1 **~~SEC. 1207.1. CONTENTS OF PRELIMINARY DEVELOPMENT PLAN.~~**

2 ~~———— Every application to map an oil and gas overlay district shall include a Preliminary~~
3 ~~Development Plan as a part of the application. The information submitted as part of the Preliminary~~
4 ~~Development Plan shall consist of the following:~~

5 ~~(a) Statement of intent regarding proposed activities and facilities operations;~~

6 ~~(b) Preliminary site plan and building elevations;~~

7 ~~(c) Statement of intent regarding anticipated infrastructure or other public service~~
8 ~~improvements, on or off site, necessary for proposed activities and facilities operations. Such~~
9 ~~infrastructure or other public service improvements shall include, but not be limited to, water, gas,~~
10 ~~electric, telephone and sewage disposal services, fire protection, police protection and public or~~
11 ~~private transportation improvements (piers, helipads, roads and transit connections);~~

12 ~~(d) Any other relevant supplementary data requested by the City Planning Commission or the~~
13 ~~Department of City Planning staff.~~

14
15 **~~SEC. 1207.2. CONTENTS OF FINAL DEVELOPMENT PLAN.~~**

16 ~~———— Every application for conditional use approval of either an oil and gas support facility or an oil~~
17 ~~and gas processing facility shall include a Final Development Plan as a part of the application. The~~
18 ~~information submitted as part of the Final Development Plan shall consist of the following:~~

19 ~~(a) Detailed plans of the proposed development, drawn to scale, showing:~~

20 ~~———— (1) Site boundaries and dimensions;~~

21 ~~———— (2) Location, use and square footage of all existing and proposed structures;~~

22 ~~———— (3) Elevations of all proposed structures;~~

23 ~~———— (4) All interior circulation patterns, including existing and proposed streets, walkways,~~
24 ~~bikeways, and connections to existing or proposed roads or rights-of-way;~~

25 ~~———— (5) Location of all utility easements;~~

- 1 ~~—— (6) Location and use of all buildings within 50 feet of the boundaries of the site;~~
- 2 ~~—— (7) Location and boundaries of land devoted to public uses, open space and~~
- 3 ~~recreational use, within 300 feet of the boundaries of the site;~~
- 4 ~~—— (8) Location and number of proposed parking spaces; and~~
- 5 ~~—— (9) All easements of record on the site;~~
- 6 ~~(b) Geotechnical report, including a contour map showing existing natural contours and~~
- 7 ~~proposed grading, if grading is proposed;~~
- 8 ~~(c) Proposed drainage system;~~
- 9 ~~(d) Cultural resources report;~~
- 10 ~~(e) Measures proposed to reduce nuisance effects from activities or operations on site,~~
- 11 ~~including, but not limited to, measures to reduce noise, vibration, dust, odor, smoke, fumes, glare,~~
- 12 ~~transportation and recreational impacts;~~
- 13 ~~(f) Measures proposed to prevent health and safety hazards;~~
- 14 ~~(g) Proposed public access or recreational areas, if any;~~
- 15 ~~(h) Phasing plan for the project, indicating the anticipated timetable for project construction,~~
- 16 ~~operation, completion and abandonment;~~
- 17 ~~(i) Proposed plans regarding abandonment or discontinuance of activities or operations,~~
- 18 ~~including plans for site restoration;~~
- 19 ~~(j) Plans for consolidation of activities or facilities, to maximum extent feasible, with similar~~
- 20 ~~operations on same or another site;~~
- 21 ~~(k) Plans for transportation of all oil and gas to and from the site, if applicable;~~
- 22 ~~(l) Plans and procedures for the transport and disposal of all solid and liquid wastes;~~
- 23 ~~(m) Oil spill prevention, containment and control measures, if applicable;~~
- 24 ~~(n) Fire prevention procedures;~~
- 25

1 ~~(o) Emergency response and evacuation plans, which shall include actions and remedies to be~~
2 ~~initiated by project applicant, and proposed method of notifying Fire Department, Police Department,~~
3 ~~Health Department, Mayor's Office, and all other applicable agencies in the event of fire, spill or any~~
4 ~~other hazardous event or condition on the site which is not incidental to normal operations at the site;~~

5 ~~(p) Emission control equipment;~~

6 ~~(q) Proposed method of satisfying all mitigation measures included in the project, as identified~~
7 ~~in the environmental review document prepared for the project; and~~

8 ~~(r) Any other relevant supplementary data requested by the City Planning Commission or the~~
9 ~~Department of City Planning Staff.~~

10
11 **~~SEC. 1207.3. PROCESSING OF FINAL DEVELOPMENT PLANS.~~**

12 ~~(a) The City Planning Commission shall make a decision on a Final Development Plan as a~~
13 ~~part of its determination on the Conditional Use application, for which the Final Development Plan~~
14 ~~was prepared.~~

15 ~~(b) No Final Development Plan shall be approved unless the City Planning Commission makes~~
16 ~~each of the following findings, in addition to those required by Section 303 of this Code:~~

17 ~~(1) That consolidation at an existing facility within San Francisco is not feasible;~~

18 ~~(2) That the proposed project will be located, designed and operated so as to minimize~~
19 ~~adverse impacts in the physical and social environment;~~

20 ~~(3) That noise, vibration, air quality, water quality, light aesthetic impacts and other~~
21 ~~potential nuisance or annoyance impacts shall be eliminated or reduced to the maximum extent~~
22 ~~possible through incorporation of the best available technology for mitigation of adverse project~~
23 ~~impacts.~~

24
25 **~~SEC. 1208. SEVERABILITY.~~**

1 ~~———— If any provision or clause of this ordinance or its application to any person or circumstance is~~
2 ~~held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity~~
3 ~~shall not affect other chapter provisions and clauses of this Chapter are declared to be severable.~~

4
5 Section 3. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.

9
10
11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: /s Robb Kapla
15 ROBB KAPLA
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Repealing Article 12 Regarding Oil and Gas Facilities]

Ordinance amending the Planning Code to repeal Article 12, which contains regulations governing land use activities associated with oil and gas exploration, development, and processing; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Article 12 of the Planning Code contains land use regulations for oil and gas exploration, development, and processing. Under Article 12, a proposed oil and gas facility may apply for one of two overlay districts—oil and gas support (OG-S) or oil and gas processing (OG-P)—by submitting a development plan to, and seeking a conditional use authorization from, the Planning Commission. If approved by the Planning Commission, the appropriate overlay district is mapped and the zoning controls specific to the OG-P or OG-S district apply to the proposed facility.

Amendments to Current Law

The Proposed Legislation would repeal the entirety of Article 12, removing the process for creating OG-P and OG-S overlay districts and thus the siting of new oil and gas exploration, development, and processing facilities under the provisions of Article 12.

Background

Currently, there are no OG-P or OG-S overlay districts in the City and no recent or pending applications to create either overlay district for a new facility.

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