

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Katy Tang, Chair
Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk

DATE: December 4, 2018

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 4, 2018

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 4, 2018. This item was acted upon at the Committee Meeting on Monday, December 3, 2018, at 1:30 p.m., by the votes indicated.

Item No. 23 File No. 181031

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Katy Tang - Aye
Supervisor Ahsha Safai - Aye
Supervisor Aaron Peskin - Aye
Supervisor Jane Kim - Excused

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney

File No. 181031

Committee Item No. 4

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date December 3, 2018

Board of Supervisors Meeting

Date December 4, 2018

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|-----------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC RESPONSE 11/20/18</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date November 29, 2018
Completed by: BRICA MATUR Date 12/4/2018

1 [Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts]

2
3 **Ordinance amending the Planning Code to make permanent the pilot program**
4 **removing neighborhood notice and Planning Commission review for certain uses in**
5 **Neighborhood Commercial Districts in the areas generally bounded by Supervisorial**
6 **Districts 4 and 11; affirming the Planning Department's determination under the**
7 **California Environmental Quality Act; making findings of consistency with the General**
8 **Plan, and the eight priority policies of Planning Code, Section 101.1; and making**
9 **findings of public necessity, convenience, and welfare pursuant to Planning Code,**
10 **Section 302.**

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

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

19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 181031 and is incorporated herein by reference. The Board of
24 Supervisors affirms this determination.
25

1 (b) On November 29, 2018, the Planning Commission, in Resolution No. 20347,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board of Supervisors adopts these findings as its own. A copy of said Resolution is on file
5 with the Clerk of the Board of Supervisors in File No. 181031, and is incorporated herein by
6 reference.

7 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
8 Planning Code amendment will serve the public necessity, convenience, and welfare for the
9 reasons set forth in Planning Commission Resolution No. 20347, and the Board of
10 Supervisors incorporates such reasons herein by reference.

11
12 Section 2. Article 3 of the Planning Code is hereby amended by revising Section 311,
13 to read as follows:

14 **SEC. 311. PERMIT REVIEW PROCEDURES**

15 * * * *

16 (b) **Applicability.** Except as indicated herein, all building permit applications in
17 Residential, NC, NCT, and Eastern Neighborhoods Districts for a change of use;
18 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
19 Formula Retail Use; demolition, and/or new construction, and/or alteration of residential
20 buildings; and including the removal of an authorized or unauthorized residential unit, in RH,
21 RM, and RTO Districts shall be subject to the notification and review procedures required by
22 this Section 311. In addition, all building permit applications that would establish Cannabis
23 Retail or Medical Cannabis Dispensary Uses, regardless of zoning district, shall be subject to
24 the review procedures required by this Section 311. Notwithstanding the foregoing or an
25

1 other requirement of this Section 311, a change of use to a Child Care Facility, as defined in
2 Section 102, shall not be subject to the review requirements of this Section 311.

3 (1) **Change of Use.** For the purposes of this Section 311, a change of use is
4 defined as follows:

5 (A) **Residential, NC, and NCT Districts.** For all Residential, NC, and
6 NCT Districts, a change of use is defined as a change to, or the addition of, any of the
7 following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis
8 Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage
9 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,
10 Post-Secondary Educational Institution, Private Community Facility, Public Community
11 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco
12 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A
13 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions
14 of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood
15 Commercial Transit District shall be subject to the provisions of this Section 311.

16 (i) Exception NC Districts in Supervisorial Districts 4 and 11.
17 Notwithstanding subsection 311(b)(1)(A), in the geographic areas identified in subsection
18 311(b)(1)(A)(ii) for NC Districts in Supervisorial Districts 4 and 11, building permit applications for
19 a change of use to the following uses shall be excepted from the provisions of subsections
20 311(d) and 311(e): Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage
21 Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility,
22 Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.

23 (ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood
24 Commercial Districts in the following geographic areas:
25

1 Area 1: shall comprise all of that portion of the City and County commencing at the point of the
2 intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and
3 proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to
4 Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly
5 along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a
6 straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding
7 northerly along said line to the point of commencement.

8 Area 2: shall comprise all of that portion of the City and County commencing at the point of the
9 intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the
10 eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding easterly along Garfield
11 Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and
12 proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along
13 Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and
14 proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and
15 proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to
16 Alemanly Boulevard, and proceeding easterly along Alemanly Boulevard to Congdon Street, and
17 proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver
18 Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and
19 proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague
20 Street to Persia Avenue, and proceeding westerly along Persia Avenue to Athens Street, and
21 proceeding southerly along Athens Street to Geneva Avenue, and proceeding easterly along Geneva
22 Avenue to the intersection of Geneva Avenue and Carter Street, and proceeding westerly along the
23 southeastern boundary of Census Tract 0263.02, Block 3005 to the San Francisco/San Mateo county
24 border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles
25 Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding

1 northeasterly along Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and
2 proceeding northerly along said line to Alemany Boulevard, and proceeding westerly along Alemany
3 Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of
4 commencement.

5 ~~Sunset. Unless reenacted, subsections 311(b)(1)(A)(i)-(ii) shall expire by operation of law 24~~
6 ~~months after the effective date of the ordinance in Board File No. 180482. Upon its expiration, the City~~
7 ~~Attorney is authorized to take steps to remove subsections 311(b)(1)(A)(i)-(ii) from the Planning Code.~~

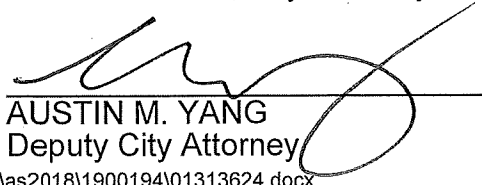
8 * * * *

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

13
14 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the "Note" that appears under
19 the official title of the ordinance.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
AUSTIN M. YANG
Deputy City Attorney

25 n:\legana\as2018\1900194\01313624.docx

LEGISLATIVE DIGEST

[Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts]

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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

Existing Law

Certain kinds of Planning Code Section 311-required notice are not required for a specified list of changes of use in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11, until approximately September 10, 2020.

Amendments to Current Law

This amendment would make the pilot program established in Ordinance 199-18 permanent in the area generally bounded by the Supervisorial Districts 4 and 11.

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TDD/TTY No. 554-5227

October 26, 2018

File No. 181031

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 23, 2018, Supervisor Mandelman submitted the following legislation:

File No. 181031

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

This proposed legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Erica Major".

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

Attachment

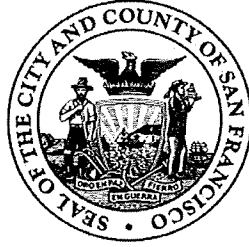
c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.11.01 16:32:49 -07'00'

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October 26, 2018

File No. 181031

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 23, 2018, Supervisor Tang submitted the following legislation:

File No. 181031

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

This proposed 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
Laura Lynch, Environmental Planning

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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 26, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 23, 2018, Supervisor Tang introduced the following legislation:

File No. 181031

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

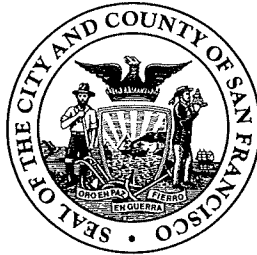
Angela Calvillo, Clerk of the Board

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

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

c: John Rahaim, Director
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
AnMarie Rodgers, Director of Citywide Planning
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: October 26, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, which is being referred to the Small Business Commission for comment and recommendation.

File No. 181031

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Small Business Commission

Member, Board of Supervisors
District 4



CUB, LU Clerk, Leg Per

City and County of San Francisco

KATY TANG

DATE: November 28, 2018

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Katy Tang
Chairperson

RE: Land Use and Transportation Committee
COMMITTEE REPORT

BY CB
2018 NOV 28 AM 11:33
BOARD OF SUPERVISORS
SAN FRANCISCO

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, December 4, 2018, as Committee Reports:

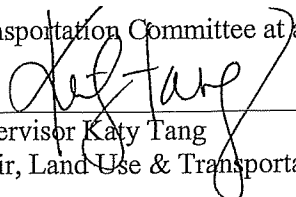
180915 Planning Code - Residential Care Facilities

Ordinance amending the Planning Code to allow Residential Care Facilities with seven or more persons as a principally permitted use in RH-3 (Residential House, Three-Family), RC (Residential Commercial), RM (Residential Mixed), and RTO (Residential Transit Oriented) Districts, in Neighborhood Commercial Districts, and in certain Mixed Use Districts; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

181031 Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; 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.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 3, 2018, at 1:30 p.m.



Supervisor Katy Tang
Chair, Land Use & Transportation Committee

RECEIVED
BOARD OF SUPERVISOR
SAN FRANCISCO
2018 OCT 23 PM 4:36
Time stamp
or meeting date

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Katy Tang

Subject:

Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts

The text is listed below or attached:

Please see attached

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: