



PLANNING COMMISSION RESOLUTION NO. 21144

HEARING DATE: JULY 21, 2022

Project Name: Conditional Use Appeals
Case Number: 2022-001032PCA [Board File No. 220130]
Initiated by: Supervisor Melgar / Introduced February 1, 2022
Staff Contact: Audrey Merlone, Legislative Affairs
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW SIGNATURES OF VERIFIED TENANTS TO COUNT TOWARDS THE THRESHOLD NEEDED TO PERMIT AN APPEAL OF A CONDITIONAL USE AUTHORIZATION; CLARIFYING TIMELINES APPLICABLE TO APPEALS OF CONDITIONAL USE AUTHORIZATIONS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on February 1, 2022 Supervisor Melgar introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 220130, which would amend the Planning Code to allow the signatures of Verified Tenants to count towards the threshold needed to permit an appeal of a Conditional Use authorization; clarifying timelines applicable to appeals of Conditional Use authorizations;

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 21, 2022; and,

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

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Modify the Ordinance to increase the deadline to transmit certain Commission actions from 10 business days to 20 business days.

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:

In a city with far more renters than owners, it is rational that tenants should have a stake in the ability to appeal CUA decisions in addition to owners. Adopting this ordinance will help advance racial and social equity in San Francisco by giving BIPOC residents more equitable representation in land use decisions. Further, the tenants of San Francisco are often long-term residents who are invested in their neighborhoods, and as such should have a voice in the shaping of it. Although complicated, the formula for determining a tenant's share in meeting the appeal threshold ensures no matter the size of their individual unit, their voice carries equal weight among their fellow building tenants.

The Commission recommends increasing the transmittal deadline for CUA decisions and disapproval of certain Planning Code and Map amendments because additional time is needed given the Department's current resources and increasing the time to transmit these decisions ensures staff can continue to prioritize notices and mailings. This may also require adjusting the deadlines that follow as the sponsor or City Attorney see fit.

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

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.4

Ensure community based planning processes are used to generate changes to land use controls.

Including residential and commercial tenants in the signatories that count towards filing an appeal of Conditional Use authorization decisions ensures the entire community, rather than just owners, have a say in the shaping of their neighborhoods.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.9

Foster development that strengthens local culture sense of place and history.

The inability for renters to sign on to CUA appeals further reduces the influence of many San Francisco residents who already face difficulties having their voices heard. The Ordinance will help to level the playing field between renters and owners in shaping their neighborhoods.

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;

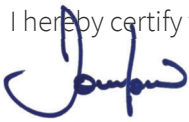
The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

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 July 21, 2022.



Jonas P. Ionin

Jonas P. Ionin
Commission Secretary

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

NOES: Fung

ABSENT: None

ADOPTED: July 21, 2022