



October 24, 2024

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2024-005931PCA:**
2024 Code Corrections Ord
Board File No. TBD

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo,

On September 19, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, initiated by the Planning Commission on August 1, 2024. The proposed ordinance would amend Planning Code to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions. At the hearing the Planning Commission adopted a recommendation for approval with modifications. The commission's proposed modifications have already been incorporated into the proposed ordinance.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc: Austin Yang, Deputy City Attorney
John Carroll, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary
Signed to Form Ordinance
Legislative Digest



PLANNING COMMISSION RESOLUTION NO. 21614

HEARING DATE: September 19, 2024

Project Name: 2024 Code Corrections Ordinance
Case Number: 2024-005931PCA [Board File No. TBD]
Initiated by: Planning Commission / Introduced August 1, 2024
Staff Contact: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE BUILDING AND PLANNING CODES TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, MAKE NON-SUBSTANTIVE REVISIONS TO CLARIFY OR SIMPLIFY CODE LANGUAGE, AND MAKE OTHER MINOR, SUBSTANTIVE UPDATES TO VARIOUS CODE PROVISIONS; DIRECTING THE CLERK OF THE BOARD OF SUPERVISORS TO FORWARD THIS ORDINANCE TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UPON FINAL PASSAGE; 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.

WHEREAS, on August 1, 2024, the Planning Commission initiated a proposed Ordinance, which would amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; and,

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 19, 2024; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c); 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 adopts a **recommendation for approval with modifications** of the proposed ordinance. The Commission’s proposed recommendations are as follows:

1. Delete the proposed language in Section 134(k)(2), which reads: (2) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and
2. Amend footnote #9 in Section 836 (SALI) and 840 (WMUO) to change the Section reference from 249.6(c)(9) to 249.39(c)(7).
3. Amend Section 209.1 for RH Zoning Districts as follows:

Residential Uses						

Homeless Shelter	§§ 102 , 208	LP	LP	LP	P	P

* * * *

4. Amended Planning Code Section 303(i) as follows:

(5) **An economic impact study.** The Planning Department shall prepare an economic impact study using qualified City staff or shall select a consultant from a pool of pre-qualified consultants to prepare the economic impact study required by this Subsection. The analysis, in the form of a study, shall be considered by the Planning Commission in its review of the application. The applicant shall bear the cost of paying the consultant for his or her work preparing the economic impact study, and any necessary documents prepared as part of that study. ~~The applicant shall also pay an administrative fee to compensate Planning Department and City staff for its time reviewing the study, as set forth in Section [359](#) of this Code.~~ The study shall evaluate the potential economic impact of the applicant's proposed project, including:

5. Amend Planning Code Section 723 (Polk Street NCD) as follows:

Street Frontage and Public Realm		
Street Frontage Requirements	§ 145.1	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ 145.4	Not Required <u>Required on any street frontage that is in the Polk Street Neighborhood Commercial District.</u>

6. Amend Section 303.1 Formula Retail Uses as follows:

(e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a Formula Retail use in the following zoning districts unless explicitly exempted:

- (1) All Neighborhood Commercial Districts in Article [7](#);

- (9) Third Street Formula Retail Restricted Use District, as defined in Section [786](#); and

(10) ~~C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; and~~

~~(H)~~ Central SoMa Special Use District as defined in Section 848, except for those uses not permitted pursuant to subsection (f) below.

7. Amend Planning Code Section 249.5: North of Market Residential Special Use District as follows:

(a) **General.** A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. SU01 and SU02 of the Zoning Map of the City and County of San Francisco, is hereby established for the purposes set forth below.

8. Amend Section 145.1(b)(2)(D) as follows:

(D) Public ~~Facilities~~ Use defined in Section [102](#) are considered active uses except utility installations.

9. Amend Section 206.6(e)- State Density Bonus Projects, as follows:

(e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization, Mandatory Discretionary Review, or a Large Project Authorization. Further, any entitled project for Individually Requested Density Bonus project that seeks an amendment to their approved application, including those outlined in Planning Code Section 415A.5, shall also not require an underlying entitlement approval related to the proposed housing. If an

entitlement is otherwise required, an application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application for the required entitlement.

10. In response to the letter sent to the Planning Commission on September 17, 2024, by John Kevlin of Rubin Junius and Rose, LLP, the Commission also directs staff to work with Mr. Kevlin on specific language that would amend Planning Code Section 210.3 (PDR Zoning Districts), footnote (22). The language would allow “any other PDR uses, excluding Parcel Delivery Service” to the list of uses allowed for the exception outlined in the subject footnote. This language will be presented before the Board of Supervisor’s Land Use Committee as a proposed amendment to the ordinance.

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:

The Commission recommends approval of the proposed ordinance because it will correct errors and outdated references in the Planning Code aiding in more efficient implementation of the Planning Code. While drafting this ordinance additional errors were identified by the public and staff. To make the most out of this Code Corrections ordinance and to further clarify the code, the Commission is recommending additional amendments be added to the ordinance.

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

POLICY 40:

ENFORCE AND IMPROVE PLANNING PROCESSES AND BUILDING REGULATIONS TO ENSURE A HEALTHY ENVIRONMENT FOR NEW HOUSING DEVELOPMENTS, ESPECIALLY IN ENVIRONMENTAL JUSTICE.

The proposed Ordinance will bring more consistency to the Planning Code, including areas that concern the development of housing. The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.

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 ADOPTS A RECOMMENDATION FOR APPROVAL 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 September 19, 2024.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P
Ionin
Date: 2024.10.11 16:16:06
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- AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So
- NOES: None
- ABSENT: None
- ADOPTED: September 19, 2024



EXECUTIVE SUMMARY

PLANNING AND BUILDING CODE TEXT AMENDMENT

HEARING DATE: September 19, 2024

90-Day Deadline: N/A

Project Name: 2024 Code Corrections Ord
Case Number: 2024-005931PCA [Board File No. TBD]
Initiated by: Planning Commission / Introduced August 1, 2024
Staff Contact: aaron starr, Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Environmental Review: Not a Project Under CEQA

RECOMMENDATION: Adopt of Recommendation for Approval with Modifications

Planning Code Amendment

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions.

	The Way It Is Now	The Way It Would Be
1	The Planning Code contains several errors and incorrect references due in part to the numerous times the code has been amended.	Various errors and incorrect references will be corrected. (Found on various pages throughout)
2	The Planning and Building Codes contains incorrect references and outdated language regarding the state-mandated ADU program.	Incorrect references to state law and development requirements concerning ADUs will be corrected. (Pages 8-12, and 26)

3	<p>The Constraints Reduction Ordinance¹ added the definition of Historic Building to the Planning Code with the purpose of identifying known historic resources including contributors to historic districts; however, the definition did not include contributors to historic districts determined through historic resource review.</p>	<p>The following language will be added to the definition of Historic Building in Section 102:</p> <p>“It is listed as a contributor to an historic district listed in Article 10, <u>or if the historic district does not list contributors, is determined to be a contributor through historic resource review;</u>” (Page 3, lines 11-12)</p>
4	<p>The Constraints Reduction Ordinance amended the Front Setback requirements in Section 132. In the process it inadvertently removed a provision for properties that only have one adjacent building, such as buildings on corner lots.</p>	<p>The following language will be added back to the front setback requirements in Section 132: <i>However, aside from the scenarios described in subsection (c) below, a lot that only has one adjacent building shall provide a front setback equal to one half the front setback of such adjacent building.</i> (Page 4, Lines 7-9)</p>
5	<p>Rear yards are not required in NC-S Districts; however, Section 134 does not explicitly state this, leading to some confusion in interpretation.</p>	<p>Planning Code Section 134(b) will be amended to clarify that no rear yards are required in NC-S zoning districts. (Page 5, Lines 6-7)</p>
6	<p>The Constraint’s Reduction Ordinance amended required rear yard requirements by standardizing rear yards at 25% and 30% depending on the intensity of the district. In the process it inadvertently removed a provision that allowed the Zoning Administrator to administer amend the rear yard in requirement in NC Districts if certain conditions are met.</p>	<p>Language that allows the ZA to modify or waive the required rear yard in NC Zoning Districts will be added back into the Planning Code. (Page 5, Lines 11-21)</p>
7	<p>The Constraints Reduction ordinance amended the Code so that an application for any Individually Requested Density Bonus project is not subject to any other underlying entitlement related to the proposed housing. The language included Conditional Use authorization and Large Project Authorization as examples of an underling entitlement.</p>	<p>“Mandatory Discretionary Review” will be added to the examples of underlying entitlements. (Page 7, line 18)</p>

¹ 2023-003676PCA, Board File No. [230446](#)

8	Planning Code Section 311 includes very specific information required on mailed notices. This specificity makes it difficult for the Planning Department to do the required translation and adjust our noticing language based on community feedback.	Specific language on what is required in the Section 311 neighborhood notice would be removed.
9	Historically, Intermediate Length Occupancy (ILOs) units have not been permitted in the Mixed-Use Districts; however, the Article 8 Reorganization effort inadvertently allowed this use in Mixed Use Districts.	Mixed-Use zoning districts in Article 8 will be amended to prohibit Intermediate Length Occupancy units. (page 15, line 22; page 16 line 19; page 17 lines 10 and 24; page 18, line 12, 16-17; page 19, line 4, 8-9, 21; page 20, line 1, 13, 17-18; page 21, line 8, 12-13; page 22, line 3, 8-9; page 23, line 1, 5-6; page 24, line 6, 10-11; and page 25, line 1, 5-6, 18, 21-22)

Background

The Planning Code experiences frequent amendments. Although individual ordinances are reviewed by the Planning Department and the City Attorney’s Office, the volume of legislative actions and complexity of the Code as a legal, living document ensures that errors will inadvertently arise. The Planning Department actively collects these reported errors and presents them as a Code Corrections Ordinance. This ordinance will mostly fix errors from the Constraints Reduction Ordinance, Article 8 Reorganization Ordinance, and various ADU ordinances. A more complete evaluation of the proposed changes will be provided when this ordinance comes back to the Commission for adoption.

Issues and Considerations

Building Inspection Commission Review

The proposed ordinance was reviewed by the Building Department’s Administrative and General Design & Disability Access Subcommittee and the Code Advisory Committee on August 14, and on the Building Inspection Committee on August 21. All committees voted to recommend approval of the proposed ordinance as it effects the Building Code.

Constraint’s Reduction Ordinance

The Constraint’s Reduction Ordinance, proposed by Mayor Breed and co-sponsored by Supervisor Engardio, made numerous changes to the Planning Code. The purpose of the ordinance was to remove unnecessary process for housing projects that comply with existing code requirements and otherwise simplify and clarify certain Planning Code requirements. Some of those changes simplified the front and rear setback requirements. In the process of amending those section, certain necessary provisions were inadvertently deleted. This ordinance seeks to put back those deleted section. In addition, this ordnance seeks to further clarify two additional provisions added to the code as part of the Constraints Reduction Ordinance, including

the definition of a Historic Resource (item 4 above), and further clarification on what is an underlying entitlement (item 7 above).

State ADU Amendments

In March 2024, the California Legislature enacted Senate Bill 477 as an urgency measure. SB 477 was signed by Governor Newsom on March 26, 2024, and it took effect immediately. The bill's purpose is to make state law governing Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") easier to read and navigate. It does so by relocating numerous Government Code sections into a new chapter, and, within that chapter, key regulations are divided into smaller sections by topic area. SB 477's changes to state law are only organizational; none is substantive. As such, the proposed amendments to the Building Code are also non-substantive. Amendments to the Planning Code are also non-substantive or they add additional clarification to the code to aid implementation.

General Plan Compliance

Given the clerical nature of the proposed ordinance, there aren't specific General Plan goals and policies that apply; however, overall, the proposed ordinance, which seeks to correct errors in the Planning and Building Codes is consistent with the Goals and Policies of the General Plan.

Racial and Social Equity Analysis

The proposed amendments cannot be directly tied to a negative or positive impact in advancing the City's racial and social equity; however, the proposed ordinance will correct outdated references and errors in two municipal codes helping to make them clearer and therefore more accessible to the public.

Implementation

The Department has determined that this Ordinance will improve our current implementation procedures by correcting outdated references and errors in the Planning and Building Codes.

Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval with modifications*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Delete the proposed language in Section 134(k)(2), which reads: *(2) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and*
2. Amend footnote #9 in Section 836 (SALI) and 840 (WMUO) to change the section reference from 249.6(c)(9) to 249.39(c)(7).

3. Amend Section 209.1 for RH Zoning Districts as follows:

Residential Uses						

Homeless Shelter	§§ 102 , 208	P P	P P	P P	P	P

* * * *

4. Amended Planning Code Section 303(i) as follows:

(5) **An economic impact study.** The Planning Department shall prepare an economic impact study using qualified City staff or shall select a consultant from a pool of pre-qualified consultants to prepare the economic impact study required by this Subsection. The analysis, in the form of a study, shall be considered by the Planning Commission in its review of the application. The applicant shall bear the cost of paying the consultant for his or her work preparing the economic impact study, and any necessary documents prepared as part of that study. *The applicant shall also pay an administrative fee to compensate Planning Department and City staff for its time reviewing the study, as set forth in Section [359](#) of this Code.* The study shall evaluate the potential economic impact of the applicant's proposed project, including:

5. Amend Planning Code Section 723 (Polk Street NCD) as follows:

Street Frontage and Public Realm		
Street Frontage Requirements	§ 145.1	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ 145.4	Not Required <i>Required on any street frontage that is in the Polk Street Neighborhood Commercial District.</i>
* * * *		

6. Amend Section 303.1 Formula Retail Uses as follows:

- (e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a Formula Retail use in the following zoning districts unless explicitly exempted:
- (1) All Neighborhood Commercial Districts in Article [7](#);
- * * * *
- (9) Third Street Formula Retail Restricted Use District, as defined in Section [786](#); *and*
 - (10) ~~C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; and~~

~~(H)~~ Central SoMa Special Use District as defined in Section 848, except for those uses not permitted pursuant to subsection (f) below.

7. Amend Planning Code Section 249.5: North of Market Residential Special Use District as follows:

(a) **General.** A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. SU01 *and* SU02 of the Zoning Map of the City and County of San Francisco, is hereby established for the purposes set forth below.

8. Amend Section 145.1(b)(2)(D) as follows:

(D) Public ~~Facilities~~ Use defined in Section 102 are considered active uses except utility installations.

9. Amend Section 206.6(e)- State Density Bonus Projects, as follows:

(e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization, Mandatory Discretionary Review, or a Large Project Authorization. Further, any entitled project for Individually Requested Density Bonus project that seeks an amendment to their approved application, including those outlined in Planning Code Section 415A.5, shall also not require an underlying entitlement approval related to the proposed housing. If an entitlement is otherwise required, an application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application for the required entitlement.

Basis for Recommendation

The Department recommends approval of the proposed ordinance because it will correct errors and outdated references in the Planning Code aiding in more efficient and accurate implementation. While bringing this ordinance through the legislative process, additional errors were identified by the public and staff. To make the most out of this Code Corrections ordinance and to further clarify the code, the Department is recommending the following corrections be added to the ordinance.

Recommendation 1: Delete the proposed language in Section 134(k)(2)- The language that is proposed in the ordinance is taken verbatim from what was in the code prior to the Constraint's Reduction Ordinance; however, per HCDs Policies and Practices Review, terms such as "light, air, and views" cannot be used as justification for approving projects. The Department has endeavored to remove such terms from the rest of the Planning Code and from our case reports. The removal of this language is in line with that effort.

Recommendation 2: Amend footnote #9 in Section 836 (SALI) and 840 (WMUO) to change the Section reference from 249.6(c)(9) to 249.39(c)(7)- This is a clerical correction to fix and incorrect reference.

Recommendation 3: Amend Section 209.1 for RH Zoning Districts regarding Homeless Shelters- This was a drafting error in the Constraint's Reduction Ordinance identified by the publisher.

Recommendation 4: Amended Planning Code Section 303(i) to delete reference to Section 359-

Planning Code Section 359 no longer exists nor does the fee it references. The Planning Department recoups the time it takes reviewing studies through our time and materials billing. The proposed amendment removes the incorrect and outdated reference.

Recommendation 5: Amend Planning Code Section 723 (Polk Street NCD) regarding required ground floor commercial- The Zoning Control Table in Section 723 incorrectly states that ground floor commercial is not required in the Polk Street NCD. The proposed amendment will fix that error.

Recommendation 6: Amend Section 303.1 Formula Retail Uses to remove reference to C-3-G districts - Board File [230371](#) (Page 33-34) removed the Conditional Use requirement for Formula Retail along this stretch of Market Street; however, Planning Code Section 303.1 was not updated to reflect this. The proposed amendment will correct that error.

Recommendation 7: Amend Planning Code Section 249.5: North of Market Residential Special Use District- The North of Market Residential Special Use District appears on both Zoning Map SU01 and SU02, but Section 249.5 only references SU01. This amendment will correct that omission.

Recommendation 8: Amend Section 145.1(b)(2)(D)- The Code Reorganization effort changed “Public Facilities” to “Public Use”. Not all references to the old terminology were corrected at the time, this amendment will fix one that was missed.

Recommendation 9: Amend Section 206.6(e)- State Density Bonus Projects- This section is already being amended to add “Mandatory Discretionary Review” (See item 7 on page 2). The additional language not in the attached ordinance would clarify that State Density Bonus Projects that seek to amend their project entitlement after approval would also not require a hearing. This amendment is in line with the original intent of the Constraint’s Reduction Ordinance and is only adding clarifying language to remove any ambiguity.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

ATTACHMENTS:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance