



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Zoning Map and Planning Code Text Change

HEARING DATE: MAY 9, 2013

*Project Name:* Require Pre-Application Meetings in PDR-1-B Districts  
*Case Number:* 2013.0324T [Board File No. 130180]  
*Initiated by:* Supervisor Cohen/ Introduced 2/25/13, Substituted 3/5/13  
*Staff Contact:* Aaron Starr, Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* **Recommend Approval**

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### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code by adding Section 313, to require pre-application meetings for certain projects in the Product/Distribution/Repair -1-B (Light Industrial Buffer) District; and making environmental, General Plan, and Planning Code, Section 101(b), findings.

#### The Way It Is Now:

- In the PDR-1-B District there are no notification requirements, such as Planning Code Section 311 or Section 312 neighborhood notification (hereinafter "311/312 notification"), which are required in Residential and Neighborhood Commercial Districts respectively.
- Per Planning Commission policy, pre-application meetings are required for projects subject to 311/312 notification (change of use, building expansion or demolition projects in R or NC Districts) and also meet one of the following criteria:
  - New Construction; or
  - Any vertical addition of 7 feet or more; or
  - Any horizontal addition of 10 feet or more; or
  - Decks over 10 feet above grade or within the required rear yard; or
  - All Formula Retail uses subject to a Conditional Use Authorization.
- Pre-application meeting requirements are not codified in the Planning Code; instead this requirement has been established by Commission policy.

#### The Way It Would Be:

- Pre-application meetings would be required for certain projects within the PDR-1-B (Light Industrial Buffer) District. Those projects include:
  - New construction,
  - Demolition, or
  - Removal of 5,000 square feet or more.
- Pre-application requirements for PDR-1-B Districts would be codified in the Planning Code.

## **ISSUES AND CONSIDERATIONS**

### **Discretionary Review (DR) Reform and Pre-Application Meetings**

As part of the DR reform effort in 2009, the Commission adopted a policy that required certain projects (see discussion above) to conduct pre-application meetings. Pre-application requirements include the establishment of standardized notices, forms and rules for meeting locations and times. The policy also required that the Department not accept the application until the meeting was properly conducted. The pre-application requirement was adopted as a Commission policy rather than a Planning Code amendment so that it could be modified should adjustments be needed.

The pre-application process provides a forum for early discussions about development proposals with neighboring property owners, tenants, and neighborhood organizations. The intent of the pre-application meeting is to provide an open discourse about the goals of the project and to vet any concerns of neighbors. Project sponsors are not required to modify a project in response to neighbor concerns; nonetheless, such early meetings provide all parties with the opportunity to discuss issues at the outset of the process and provide an opportunity for the project sponsor consider and respond to neighborhood comments.

The proposed Ordinance would codify requirements for PDR-1-B Districts that are currently required by Commission Policy in R and NC Districts. Examples of codification of current requirements include:

- prohibiting the Planning Department from accepting a qualifying application without information demonstrating that a pre-application meeting was held;
- requiring the invite to be sent by mail at least 14 calendar days before the pre-application meeting; and
- inviting all relevant neighborhood associations for the neighborhood(s) in which the proposed project is located.

The proposed Ordinance would expand who is to be notified about the pre-application meetings. The existing Planning Commission policy only requires adjacent property owners and occupants to be invited to the pre-application meeting. The proposed Ordinance would require property owners and occupants within a 300-foot radius of the proposed project site to be invited. The 300' radius is currently used for only for Conditional Use and Variance notifications and would be a significantly increased notification for pre-application meetings.

### **PDR-1-B Districts**

The intent of PDR-1-B Districts is to create a buffer area between residential neighborhoods and light industrial areas. These districts exist primarily in the Bayview Hunters Point neighborhood (See attached map). Thus, this district prohibits residential uses and limits office, retail, and institutional uses. Generally, all other uses are permitted. This zone allows for less intensive production, distribution, and repair activities that will not compromise the quality of life of nearby residents. These uses generate less external noise, odors, and vibrations and engage in fewer trucking activities than those permitted in PDR-2 districts. Uses in this district are generally conducted completely within enclosed structures. Small-scale retail and office uses are permitted, as are other activities that may serve well to buffer existing residential neighborhoods from areas of concentrated industrial operations.

### **Planning Code Notification Requirements**

The Planning Code has several noticing requirements that require mailed notification including Conditional Use applications, Variances, building expansions and changes of use. All of those

notifications are done after the application is submitted to the Department. These notices are intended to alert surrounding neighbors that a project is either going to be heard at a Planning Commission, or as in that case of 311 and 312 notification, that a Code complying project is going to be approved by the Planning Department after the notification period ends. Section 311/312 notifications provide neighbors and neighborhood groups the opportunity to review the proposed Planning Code complying project for one month. If someone objects to the proposal, that person can file a Discretionary Review request application within the 30-day review period and the project would be brought to the Planning Commission for review.

## **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

## **RECOMMENDATION**

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

## **BASIS FOR RECOMMENDATION**

The Department is cautious about codifying the pre-application meeting requirement in the Planning Code as it may set a precedent for other districts. That said the PDR-1-B District is unique in that this district provides spacing between small scale residential districts (including RH-1) and industrial districts. Further, the legislation allows the Department to establish additional procedures and requirements to administer the pre-application requirement. For these reasons, the Department is recommending that the Commission recommend approval of the proposed Ordinance.

PDR-1-B zoning is currently only found in the Bay View/Hunters Point Neighborhood and is intended to provide a transition between industrial zoned land and single-family zoning, two zoning districts that are very different in intensity. Providing an opportunity to inform the community of upcoming projects and solicit community input prior to submitting the application is different than subjecting light industrial projects to a 311/312 notification, which adds a 30-day noticing delay and the increases possibility of a DR hearing. While most projects under Planning Department review are technically subject to DRs, the 311/312 notification process provides a more clear opportunity for neighbors to apply for DR. While PDR-1-B Districts are adjacent to residential neighborhoods, permitted uses are already limited to less intensive production, distribution, and repair activities that will not compromise the quality of life of nearby residents.

## **ENVIRONMENTAL REVIEW**

The proposal ordinance would result in no physical impact on the environment. The proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

## **PUBLIC COMMENT**

As of the date of this report, the Planning Department not received any comments on the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval</b>
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**Attachments:**

- Exhibit A:      Draft Planning Commission Resolution
- Exhibit B:      Board of Supervisors File No. 130180
- Exhibit C:      Map of PDR-1-B Districts



# SAN FRANCISCO PLANNING DEPARTMENT

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## Draft Planning Commission Resolution

HEARING DATE: MAY 9, 2013

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*Project Name:* Require Pre-Application Meetings in PDR-1-B Districts  
*Case Number:* 2013.0324T [Board File No. 13-0180]  
*Initiated by:* Supervisor Cohen/ Introduced September 28, 2013  
*Staff Contact:* Aaron Starr, Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* **Recommend Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY ADDING SECTION 313, TO REQUIRE PRE-APPLICATION MEETINGS FOR CERTAIN PROJECTS IN THE PRODUCT/DISTRIBUTION/REPAIR -1-B (LIGHT INDUSTRIAL BUFFER) DISTRICT; AND MAKING ENVIRONMENTAL, GENERAL PLAN, AND PLANNING CODE, SECTION 101(B), FINDINGS.

### PREAMBLE

Whereas, on February 25, 2013, Supervisor Cohen introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 13-0180, which would amend the San Francisco Planning Code by adding Section 313, to require pre-application meetings for certain projects in the Product/Distribution/Repair -1-B (Light Industrial Buffer) District; and

Whereas, on March 5, 2013, Supervisor Cohen introduced a substitute Ordinance under Board File Number 13-0180; and

Whereas, on May 9, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the 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 the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

## 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:

1. PDR-1-B zoning is currently only found in the Bay View/Hunters Point Neighborhood and is intended to provide a transition between industrial zoned land and single-family zoning, two zoning districts that are very different in intensity.
2. Providing an opportunity to inform the community of upcoming projects and solicit community input prior to submitting the application is preferable to subjecting light industrial projects to a 311/312 type notification, which adds a 30-day noticing delay and the increases possibility of a Discretionary Review hearing.
3. While PDR-1-B Districts are adjacent to residential neighborhoods, permitted uses are already limited to less intensive production, distribution, and repair activities that will not compromise the quality of life of nearby residents; therefore more extensive notification of projects in PDR-1-B Districts isn't necessary.

1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

#### **OBJECTIVE 4**

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

##### Policy 4.1

Maintain and enhance a favorable business climate in the city.

*The Ordinance maintains a favorable business climate in the City by instituting noticing requirements for projects in the PDR-1-B Districts that will not slow down the Planning Department's review of applications in these Districts.*

2. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will not have an adverse effect on neighborhood-serving businesses. The proposed Ordinance will only affect residential neighborhoods adjacent to PDR-1-B zoning districts and qualifying projects in PDR-1-B districts.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed Ordinance will not displace existing housing nor will it have any effect on existing neighborhood character.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance will not adversely affect the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed Ordinance. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 9, 2013.

Jonas P Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 9, 2013



# Exhibit B

1 [Planning Code - Pre-Application Meetings in Product/Distribution/Repair-1-B (Light Industrial  
2 Buffer) District]

3 **Ordinance amending the Planning Code, by adding Section 313, to require pre-**  
4 **application meetings for certain projects in the Product/Distribution/Repair -1-B (Light**  
5 **Industrial Buffer) District; and making environmental, General Plan, and Planning Code,**  
6 **Section 101(b), findings.**

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

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

12 Section 1. The Board of Supervisors of the City and County of San Francisco hereby  
13 finds and determines that:

14 (a) General Plan and Planning Code Findings.

15 (1) On \_\_\_\_\_, at a duly noticed public hearing, the Planning  
16 Commission in Resolution No. \_\_\_\_\_ found that the proposed Planning Code  
17 amendments contained in this ordinance were consistent with the City’s General Plan and  
18 with Planning Code Section 101.1(b) and recommended that the Board of Supervisors adopt  
19 the proposed Planning Code amendments. A copy of said Resolution is on file with the Clerk  
20 of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
21 reference. The Board finds that the proposed Planning Code amendments contained in this  
22 ordinance are on balance consistent with the City’s General Plan and with Planning Code  
23 Section 101.1(b) for the reasons set forth in said Resolution.

24 (2) Pursuant to Planning Code Section 302, the Board finds that the proposed  
25 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in

1 Planning Commission Resolution No. \_\_\_\_\_, which reasons are incorporated  
2 herein by reference as though fully set forth.

3 (b) Environmental Findings. The Planning Department has determined that the  
4 actions contemplated in this ordinance comply with the California Environmental Quality Act  
5 (California Public Resources Code Section 21000 et seq.). Said determination is on file with  
6 the Clerk of the Board of Supervisors in File No. 130180 and is hereby adopted by this Board,  
7 and incorporated herein by reference.

8  
9 Section 2. The Planning Code is hereby amended by adding Section 313, to read as  
10 follows:

11 SEC. 313. PDR-1-B (Light Industrial Buffer), PRE-APPLICATION MEETING.

12 (a) Purpose. In order to address neighborhood concerns about the potential effects of  
13 proposed projects early in the design process and to reduce the number of discretionary review hearing  
14 requests filed, a pre-application meeting shall be required for certain projects within the PDR-1-B  
15 (Light Industrial Buffer) District.

16 (b) Applicability. Prior to filing an application for new construction, demolition, or  
17 removal of 5,000 square feet or more on any parcel zoned all or in part PDR-1-B, a project sponsor  
18 shall conduct a minimum of one pre-application meeting. The Planning Department shall not accept an  
19 application for such a project without information demonstrating that at least one pre-application  
20 meeting conforming to the requirements of this section has been held.

21 (c) Requirements. In addition to the requirements set forth here, the Planning Department  
22 may establish additional reasonable procedures and requirements to administer this section. A pre-  
23 application meeting shall meet the following requirements:

24 (1) Invitations. At least 14 calendar days before the pre-application meeting, the  
25 project sponsor shall invite by mail:

1                                    (A) Relevant neighborhood associations for the neighborhood(s) in which the  
2 proposed project is located. If the proposed project is on the border of two or more neighborhoods, all  
3 neighborhood organizations for the bordering neighborhoods shall be invited. The Planning  
4 Department shall maintain a list of neighborhood associations for each neighborhood and provide that  
5 list to project sponsors; and

6                                    (B) Property owners and occupants within a 300 foot radius of the proposed  
7 project site, including any occupants of the subject property.

8                                    (2) Location. The Pre-Application Meeting shall be conducted at:

9                                    (A) The project site;

10                                   (B) An alternate location within a one-mile radius of the project site; or

11                                   (C) The Planning Department.

12                                   (3) Information. At the pre-application meeting(s), the project sponsor, or his or her  
13 designee, shall describe the proposed project, respond to questions to the best of the sponsor's ability,  
14 and solicit comments from the attendees with the goal of addressing, to the extent feasible,  
15 neighborhood concerns regarding the proposed project prior to filing an application with the Planning  
16 Department.

17  
18                                   Section 4. Other Uncodified Provisions.

19                                   (a) Effective Date. This ordinance shall become effective 30 days after enactment.

20                                   (b) Undertaking for the General Welfare. In enacting and implementing this  
21 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
22 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
23 would be liable in money damages to any person who claims that such breach proximately  
24 caused injury.

1 (c) No Conflict with State or Federal Law. Nothing in this ordinance shall be  
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any  
3 State or federal law.

4 (d) Severability. If any of section, subsection, sentence, clause, phrase or word of  
5 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any  
6 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
7 portions of the ordinance. The Board of Supervisors hereby declares that it would have  
8 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and  
9 word not declared invalid or unconstitutional without regard to whether any other portion of  
10 this ordinance would be subsequently declared invalid or unconstitutional.

11 (d) Scope of Ordinance. In enacting this ordinance, the Board intends to amend  
12 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,  
13 charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown  
14 in this legislation as additions, deletions, Board amendment additions, and Board amendment  
15 deletions in accordance with the "Note" that appears under the official title of the ordinance.

16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By: \_\_\_\_\_  
19 MARLENA G. BYRNE  
20 Deputy City Attorney

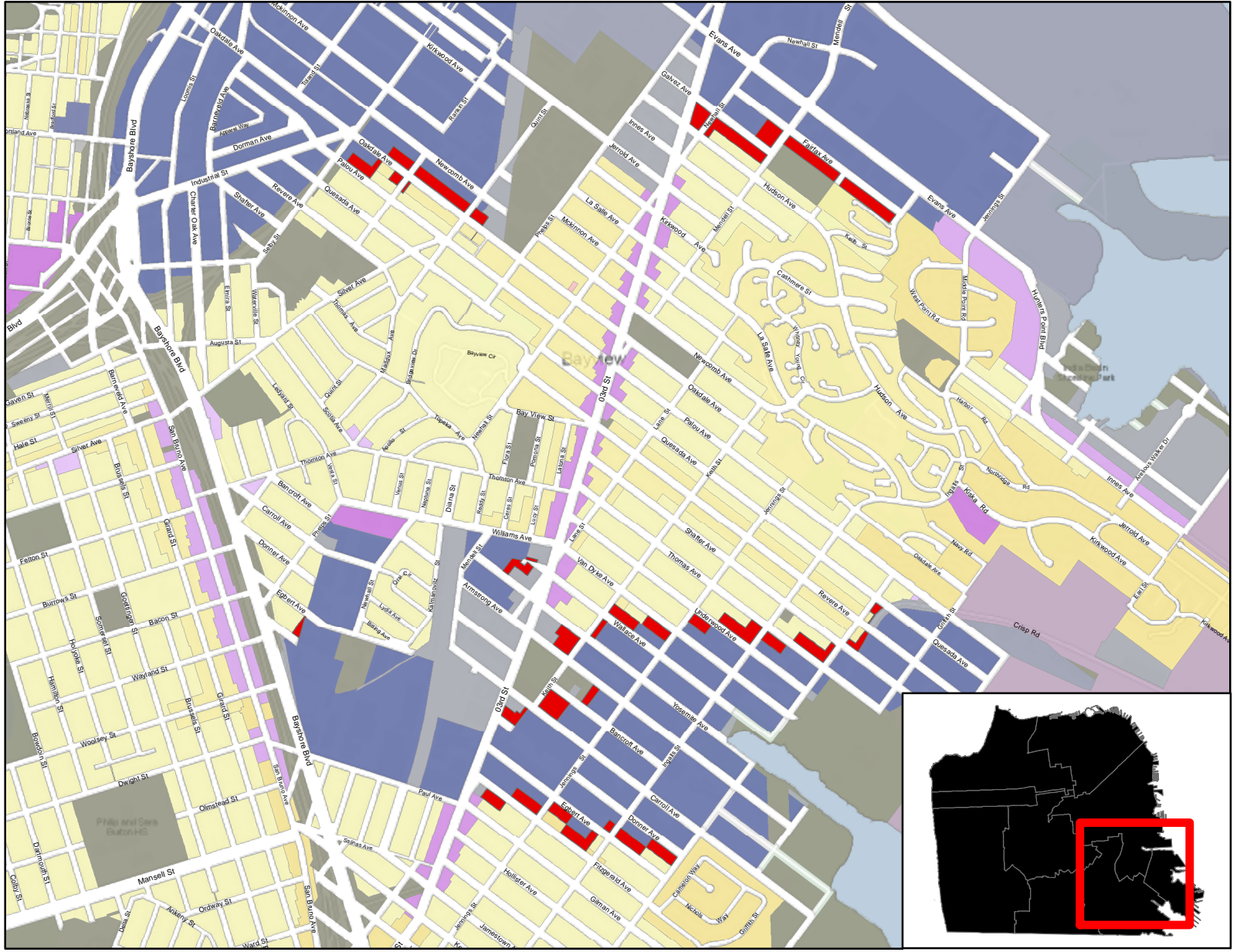
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# Exhibit C

## Map of PDR-1-B Zoning Districts

### Legend

- PDR-1-B
- RH-1
- RH-2
- RH-3
- RM-1
- NC-1
- NC-2
- NC-3
- NC-S
- C-M
- M-1
- M-2
- PDR-1-D
- PDR-1-G
- PDR-2
- Public



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