

Amendment of the Whole
March 8, 2010
Land Use
Discretionary Review Reform

The following amendments are reflected in the Amendment of the Whole:

1. A codification of the sunset of the trial period so that the Board of Supervisors would have to pass legislation for the policy to be continued at the end of the trial period. The trial period would be two years.
2. Clarify and set rules for the Commission to hear a DR case. The proposed language would allow for the Planning Commission to schedule a Discretionary Review hearing with the support of one commissioner.
3. Strike the words, "or its designee" throughout the legislation
4. Allow neighborhood groups to file DRs.
5. Add neighborhood serving not for profits with a focus on land use as well as merchant groups to the list of neighborhood organizations that can file a DR.
6. Add language that states that throughout this trial period, the Commission and the Department shall work with the community to improve the Residential Design Standards and will support the adoption of neighborhood-specific design standards where the Citywide standards are not adequate and/or can be augmented in order to enhance or conserve neighborhood character.
7. Require that an officer or president of the neighborhood organization fill out an affidavit upon the filling of the DR claiming that they adhere to the qualifications of a neighborhood group as defined in the definition in the legislation. A neighborhood group would not be required to obtain a letter of support from the subject neighborhood group, but an officer of the group would fill out an affidavit form within the normal 311 time frame.
8. Strike the language on p.1, line 9 "and to repeal the ability of a project sponsor to request discretionary review," and replace it with, "require public notification and a mandatory DR fee for project sponsors that request discretionary review.":
9. Amending p. 6, line 3 to read **"if the application requesting discretionary review demonstrates a likelihood of meeting the standard of exceptional and extraordinary circumstances"** (amendment is in bold.)
10. Amending p.6, line 13 to read **"The Department's Residential Design Team will evaluate an application for discretionary review to determine if it may meet the standard of exceptional and extraordinary circumstances....."** (amendment is in bold)

**The following amendments are not reflected in the Amendment of the Whole.
Supervisor Mar read these into the record on Monday, March 8, 2010.**

11. p. 6, line 14 (d) Requests for Planning Commission Review. ~~A request for t~~The Planning Commission ~~or its designee shall consider a public request~~ to exercise ~~its~~ discretionary review powers over a specific building permit application if the application requesting discretionary review demonstrates a likelihood of meeting the standard of exceptional and extraordinary circumstances or a policy or emerging planning issue that the Planning Code and design standards do not address or an inconsistency with the General Plan and the Priority Policies of Planning Code Section 101.1. Exceptional and extraordinary circumstances occur where the standard application of adopted design standards to a project does not enhance or conserve neighborhood character, or balance the right to develop the property with impacts on nearby properties or occupants. These circumstances may arise due to complex topography, irregular lot configuration, unusual context, or other conditions not addressed in the design standards. shall be considered by the Planning Commission if
12. p. 7, line 16 and p. 13, line 22 (4) An elected officeholder, or their designee, of the organization must ~~present~~ introduce the discretionary review request at the public hearing.
13. p. 7, line 19 and p. 13, line 25 Any bona fide fraternal, charitable, benevolent, or other nonprofit organization that is exempt from taxation under the Internal Revenue laws of the United States ~~and or~~ the Revenue and Taxation Code of the State of California may also file a request for discretionary review provided that the organization is neighborhood-based and has a demonstrated interest in neighborhood land use issues, including economic and environmental justice.

If a project sponsor requests discretionary review, the sponsor must comply with public notice requirements and pay a mandatory discretionary review fee. ~~The project sponsor of a building permit application may request discretionary review by the Planning Commission to resolve conflicts between the Director of Planning and the project sponsor concerning requested modifications to comply with relevant design guidelines of the General Plan.~~

1 [Discretionary Review Reform for a Two-Year Trial Period; Fees.]

2

3 Ordinance amending the San Francisco Planning Code by amending Section 311 and

4 312 to provide that for a two-year trial period a request for discretionary review will be

5 heard by the Planning Commission ~~or its designee~~ only if the application demonstrates

6 exceptional and extraordinary circumstances, ~~as defined,~~ or a policy or emerging

7 planning issue that the Planning Code and design standards do not address; to replace

8 the term Residential Design Guidelines with the term Residential Design Standards;

9 and to require public notification and a mandatory discretionary review fee for ~~repeat~~

10 ~~the ability of~~ a project sponsor to request discretionary review; amending Sections 352

11 and 355 to allow for collection and refund of fees associated with Planning Department

12 Reconsideration; and adopting findings, including environmental findings, and Section

13 302 findings, and findings of consistency with the General Plan and the Priority

14 Policies of Planning Code Section 101.1.

15 NOTE: Additions are *single-underline italics Times New Roman*;

16 deletions are ~~*strike-through italics Times New Roman*~~;

17 Board amendment additions are double-underlined;

Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. Findings.

20 (a) Environmental Finding. The Planning Department has determined that the

21 actions contemplated in this ordinance comply with the California Environmental Quality Act

22 (California Public Resources Code Section 21000 et seq.). Said determination is on file with

23 the Clerk of the Board of Supervisors in File No. _____ and is incorporated

24 herein by reference.

25

Supervisor Mar
BOARD OF SUPERVISORS

1 (b) Section 302 Findings. Pursuant to Section 302, this ordinance will serve the
2 public necessity, convenience, and welfare for the reasons set forth in Planning Commission
3 Resolution No. _____, and the Board incorporates those said reasons are
4 incorporated herein by reference. A copy of Planning Commission Resolution No.
5 _____ is on file with the Clerk of the Board of Supervisors in File No.
6 _____.

7 (c) These Planning Code amendments are consistent with the San Francisco
8 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
9 forth in Planning Commission Resolution No. _____, and the Board incorporates those
10 reasons herein by reference.

11 Section 2. The San Francisco Planning Code is hereby amended by amending Section
12 311, to read as follows:

13 SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO
14 DISTRICTS.

15 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
16 building permit applications for lots in R Districts in order to determine compatibility of the
17 proposal with the neighborhood and for providing notice to property owners and residents
18 neighboring the site of the proposed project and to interested neighborhood organizations, so
19 that concerns about a project may be identified and resolved during the review of the permit.

20 (b) Applicability. Except as indicated herein, all building permit applications for
21 demolition and/or new construction, and/or alteration of residential buildings in RH, RM, and
22 RTO Districts shall be subject to the notification and review procedures required by this
23 Section. Subsection 311(e) regarding demolition permits and approval of replacement
24 structures shall apply to all R Districts. For the purposes of this Section, an alteration shall be
25 defined as any change in use or change in the number of dwelling units of a residential

1 building, removal of more than 75 percent of a residential building's existing interior wall
2 framing or the removal of more than 75 percent of the area of the existing framing, or an
3 increase to the exterior dimensions of a residential building except those features listed in
4 Section 136(c)(1) through 136(c)(24) and 136(c)(26).

5 (c) Building Permit Application Review for Compliance and Notification. Upon
6 acceptance of any application subject to this Section, the Planning Department shall review
7 the proposed project for compliance with the Planning Code and any applicable design
8 *guidelines standards* approved by the Planning Commission. Applications determined not to be
9 in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code,
10 Residential Design *Standards Guidelines*, including design *standards guidelines* for specific areas
11 adopted by the Planning Commission, or with any applicable conditions of previous approvals
12 regarding the project, shall be held until either the application is determined to be in
13 compliance, is disapproved or a recommendation for cancellation is sent to the Department of
14 Building Inspection.

15 (1) Residential Design *Standards Guidelines*. The construction of new residential
16 buildings and alteration of existing residential buildings in R Districts shall be consistent with
17 the design policies and guidelines of the General Plan and with the "Residential Design
18 *Standards Guidelines*" as adopted and periodically amended for specific areas or conditions by
19 the City Planning Commission. The Director of Planning may require modifications to the
20 exterior of a proposed new residential building or proposed alteration of an existing residential
21 building in order to bring it into conformity with the "Residential Design *Standards Guidelines*"
22 and with the General Plan. These modifications may include, but are not limited to, changes in
23 siting, building envelope, scale texture and detailing, openings, and landscaping.

24 *All references in this Code to the "Residential Design Guidelines" shall be deemed to mean the*
25 *"Residential Design Standards" set forth herein.*

1 (2) Notification. Upon determination that an application is in compliance with the
2 development standards of the Planning Code, the Planning Department shall cause a notice
3 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
4 cause a written notice describing the proposed project to be sent in the manner described
5 below. This notice shall be in addition to any notices required by the Building Code and shall
6 have a format and content determined by the Zoning Administrator. It shall include a
7 description of the proposal compared to any existing improvements on the site with
8 dimensions of the basic features, elevations and site plan of the proposed project including
9 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
10 reference scale. The notice shall describe the project review process and shall set forth the
11 mailing date of the notice and the expiration date of the notification period.

12 Written notice shall be mailed to the notification group which shall include the project
13 sponsor, relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C)
14 below, all individuals having made a written request for notification for a specific parcel or
15 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
16 occupants, of properties in the notification area.

17 (A) The notification area shall be all properties within 150 feet of the subject lot in
18 the same Assessor's Block and on the block face across from the subject lot. When the
19 subject lot is a corner lot, the notification area shall further include all property on both block
20 faces across from the subject lot, and the corner property diagonally across the street.

21 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
22 used for said notice.

23 (C) The Planning Department shall maintain a list, available for public review, of
24 neighborhood organizations which have indicated an interest in specific properties or areas.
25

1 The organizations having indicated an interest in the subject lot or its area shall be included in
2 the notification group for the proposed project.

3 (3) Notification Period. All building permit applications shall be held for a period of
4 30 calendar days from the date of the mailed notice to allow review by residents and owners
5 of neighboring properties and by neighborhood groups.

6 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
7 waived by the Zoning Administrator for building permit applications for projects that have
8 been, or before approval will be, the subject of a duly noticed public hearing before the
9 Planning Commission or Zoning Administrator, provided that the nature of work for which the
10 building permit application is required is both substantially included in the hearing notice and
11 is the subject of the hearing.

12 (5) Notification Package. The notification package for a project subject to notice
13 under this Section 311 shall include:

14 (A) A description of the proposal compared to any existing improvements on the site
15 with dimensions of the basic features, elevations and site plan of the proposed project
16 including exterior dimensions and finishes, and a graphic reference scale.

17 (B) Information stating whether the proposed project includes horizontal, vertical, or
18 both horizontal and vertical additions.

19 (C) Information showing the relationship of the project to adjacent properties,
20 including the position and height of any adjacent building and location of windows facing the
21 subject property.

22 (D) 11 by 17 drawings at a measurable scale with all dimensions legible that shows
23 (i) both existing and proposed floor plans, (ii) specific dimensional changes to the building,
24 including parapets, penthouses, and other proposed building extensions and (iii) the location
25 and amount of removal of exterior walls.

1 (E) Floor plans where there is a new building, building expansion, or change in the
2 floor plans of an existing building.

3 (F) The name and telephone number of the project planner at the Planning
4 Department assigned to review the application.

5 (G) A description of the project review process, information on how to obtain
6 additional information about the project, and information about the recipient's rights to request
7 additional information, to request discretionary review by the Planning Commission, and to
8 appeal to other boards or commissions.

9 (d) Requests for Planning Commission Review. ~~A request for~~ The Planning
10 Commission ~~or its designee~~ shall consider a public request to exercise its discretionary review
11 powers over a specific building permit application if the application requesting discretionary
12 review demonstrates a likelihood of meeting the standard of exceptional and extraordinary
13 circumstances or a policy or emerging planning issue that the Planning Code and design
14 standards do not address. Exceptional and extraordinary circumstances occur where the standard
15 application of adopted design standards to a project does not enhance or conserve neighborhood
16 character, or balance the right to develop the property with impacts on nearby properties or occupants.
17 These circumstances may arise due to complex topography, irregular lot configuration, unusual
18 context, or other conditions not addressed in the design standards. shall be considered by the Planning
19 Commission if

20 An application for discretionary review must be received by the Planning Department no
21 later than 5:00 p.m. of the last day of the notification period as described under Subsection
22 (c)(3) above, subject to guidelines adopted by the Planning Commission. The Department's
23 Residential Design Team will evaluate an application for discretionary review to determine if it
24 may meet the standard of exceptional and extraordinary circumstances, as defined above, or
25 a policy or emerging planning issue. The Residential Design Team will administratively reject

1 any application that does not meet these criteria, documenting the reasons for any such
2 rejection. If the Residential Design Team has rejected an application for Discretionary Review,
3 the Planning Commission may hear the matter only if at least one member of the Commission
4 has requested that it be scheduled for a public hearing.

5 Notwithstanding anything to the contrary in this Section (d), the Planning Commission
6 shall consider at a public hearing an application for discretionary review that a neighborhood
7 organization files within the filing deadline, if the neighborhood organization meets the
8 following criteria:

9 (1) The organization must be neighborhood-based, serving a specific neighborhood
10 or geographic area and membership must include residents or merchants of that area.

11 (2) The organization must hold regular open meetings with notice to residents or
12 merchants.

13 (3) The organization must submit evidence prior to the Commission hearing that the
14 the application for discretionary review is on behalf of the organization by submitting an
15 affidavit in the form required by the Department; and

16 (4) A elected officeholder of the organization must present the discretionary review
17 request at the public hearing.

18 Any bona fide fraternal, charitable, benevolent, or other nonprofit organization that is
19 exempt from taxation under the Internal Revenue laws of the United States and the Revenue
20 and Taxation Code of the State of California may also file a request for discretionary review
21 provided that the organization is neighborhood-based and has a demonstrated interest in
22 neighborhood land use issues, including economic and environmental justice.

23 If a project sponsor requests discretionary review, the sponsor must comply with public
24 notice requirements and pay a mandatory discretionary review fee. *The project sponsor of a*
25 *building permit application may request discretionary review by the Planning Commission to resolve*

1 ~~conflicts between the Director of Planning and the project sponsor concerning requested modifications~~
2 ~~to comply with the Residential Design Guidelines.~~

3 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
4 requests for discretionary review by the Planning Commission ~~or its designee~~ within a
5 reasonable period.

6 (2) Notice. Mailed notice of the discretionary review hearing ~~by the Planning~~
7 ~~Commission~~ shall be given not less than 10 days prior to the date of the hearing to the
8 notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing
9 shall be made as provided under Planning Code Section 306.8.

10 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
11 the building is determined to pose a serious and imminent hazard as defined in the Building
12 Code an application authorizing demolition in any R District of an historic or architecturally
13 important building or of a dwelling shall not be approved and issued until the City has granted
14 final approval of a building permit for construction of the replacement building. A building
15 permit is finally approved if the Board of Appeals has taken final action for approval on an
16 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
17 filing an appeal with the Board has lapsed with no appeal filed.

18 (1) The demolition of any building whether or not historically and architecturally
19 important may be approved administratively where the Director of the Department of Building
20 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
21 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
22 Director of the Department of Building Inspection determines that demolition or extensive
23 alteration of the structure is the only feasible means to secure the public safety.

24 (f) Wireless Telecommunications Services Facility as Accessory Use, Notification
25 and Review Required. Building permit applications for new construction of a wireless

1 telecommunications services facility as an accessory use under Article 2 of the Planning Code
2 in RH and RM Districts shall be subject to the notification and review procedures required by
3 this Section.

4 Section 3. The San Francisco Planning Code is hereby amended by amending Section
5 312, to read as follows:

6 SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES FOR ALL
7 NC DISTRICTS.

8 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
9 building permit applications for lots in NC Districts in order to determine compatibility of the
10 proposal with the neighborhood and for providing notice to property owners, occupants and
11 residents neighboring the site of the proposed project and to interested neighborhood
12 organizations, so that concerns about a project may be identified and resolved during the
13 review of the permit.

14 (b) Applicability. Except as indicated herein, all building permit applications for
15 demolition, new construction, changes in use to a formula retail use as defined in Section
16 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be
17 subject to the notification and review procedures required by Subsection 312(d). Subsection
18 312(f) regarding demolition permits and approval of replacement structures shall apply to all
19 NC Districts. For the purposes of this Section, addition to a building of the features listed in
20 Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under
21 this Section.

22 (c) Changes of Use. All building permit applications for a change of use to a bar, as
23 defined in Section 790.22, a liquor store, as defined in Section 790.55, a walkup facility, as
24 defined in Section 790.140, other large institutions, as defined in Section 790.50, other small
25 institutions, as defined in Section 790.51, a full-service restaurant, as defined in Section

1 790.92, a large fast food restaurant, as defined in Section 790.90, a small self-service
2 restaurant, as defined in Section 790.91, a self-service specialty food use, as defined in
3 Section 790.93, a massage establishment, as defined in Section 790.60, an outdoor activity,
4 as defined in Section 790.70, an adult or other entertainment use, as defined in Sections
5 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be
6 subject to the provisions of Subsection 312(d).

7 (d) Building Permit Application Review for Compliance and Notification. Upon
8 acceptance of any application subject to this Section, the Planning Department shall review
9 the proposed project for compliance with the Planning Code and any applicable design
10 ~~standards~~ *guidelines* approved by the Planning Commission. Applications determined not to be
11 in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including
12 design ~~standards~~ *guidelines* for specific areas adopted by the Planning Commission, or with any
13 applicable conditions of previous approvals regarding the project, shall be held until either the
14 application is determined to be in compliance, is disapproved or a recommendation for
15 cancellation is sent to the Department of Building Inspection.

16 (1) Neighborhood Commercial Design ~~Standards~~ *Guidelines*. The construction of new
17 buildings and alteration of existing buildings in NC Districts shall be consistent with the design
18 policies and guidelines of the General Plan as adopted and periodically amended for specific
19 areas or conditions by the Planning Commission. The Director of Planning may require
20 modifications to the exterior of a proposed new building or proposed alteration of an existing
21 building in order to bring it into conformity with the General Plan. These modifications may
22 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,
23 openings, and landscaping.

24 (2) Notification. Upon determination that an application is in compliance with the
25 development standards of the Planning Code, the Planning Department shall cause a notice

1 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
2 cause a written notice describing the proposed project to be sent in the manner described
3 below. This notice shall be in addition to any notices required by the Building Code and shall
4 have a format and content determined by the Zoning Administrator. It shall include a
5 description of the proposal compared to any existing improvements on the site with
6 dimensions of the basic features, elevations and site plan of the proposed project including
7 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference
8 scale, existing and proposed uses and commercial or institutional business name, if known.
9 The notice shall describe the project review process and shall set forth the mailing date of the
10 notice and the expiration date of the notification period.

11 Written notice shall be mailed to the notification group which shall include the project
12 sponsor, relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C)
13 below, all individuals having made a written request for notification for a specific parcel or
14 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
15 occupants, of properties in the notification area.

16 (A) The notification area shall be all properties within 150 feet of the subject lot in
17 the same Assessor's Block and on the block face across from the subject lot. When the
18 subject lot is a corner lot, the notification area shall further include all property on both block
19 faces across from the subject lot, and the corner property diagonally across the street.

20 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
21 used for said notice.

22 (C) The Planning Department shall maintain a list, updated every six months with
23 current contact information, available for public review, and kept at the Planning Department's
24 Planning Information Counter, and reception desk, as well as the Department of Building
25 Inspection's Building Permit Counter, of neighborhood organizations which have indicated an

1 interest in specific properties or areas. The organizations having indicated an interest in the
2 subject lot or its area shall be included in the notification group for the proposed project.
3 Notice to these groups shall be verified by a declaration of mailing signed under penalty of
4 perjury. In the event that such an organization is not included in the notification group for a
5 proposed project as required under this subsection, the proposed project must be re-noticed.

6 (3) Notification Period. All building permit applications shall be held for a period of
7 30 calendar days from the date of the mailed notice to allow review by residents, occupants,
8 owners of neighboring properties and by neighborhood groups.

9 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
10 waived by the Zoning Administrator for building permit applications for projects that have
11 been, or before approval will be, the subject of a duly noticed public hearing before the
12 Planning Commission or Zoning Administrator, provided that the nature of work for which the
13 building permit application is required is both substantially included in the hearing notice and
14 is the subject of the hearing.

15 (e) Requests for Planning Commission Review. ~~A request for~~ The Planning
16 Commission ~~or its designee~~ shall consider a public request to exercise its discretionary review
17 powers over a specific building permit application if the application requesting discretionary
18 review demonstrates a likelihood of meeting the standard of exceptional and extraordinary
19 circumstances or a policy or emerging planning issue that the Planning Code and design
20 standards do not address. Exceptional and extraordinary circumstances occur where the standard
21 application of adopted design standards to a project does not enhance or conserve neighborhood
22 character, or balance the right to develop the property with impacts on nearby properties or occupants.
23 These circumstances may arise due to complex topography, irregular lot configuration, unusual
24 context, or other conditions not addressed in the design standards. shall be considered by the Planning
25 Commission if

1 An application for discretionary review must be received by the Planning Department no
2 later than 5:00 p.m. of the last day of the notification period as described under Subsection
3 (c)(3) above, subject to guidelines adopted by the Planning Commission. The Department's
4 Residential Design Team will evaluate an application for discretionary review to determine if it
5 may meet the standard of exceptional and extraordinary circumstances, as defined above, or
6 a policy or emerging planning issue. The Residential Design Team will administratively reject
7 any application that does not meet these criteria, documenting the reasons for any such
8 rejection. If the Residential Design Team has rejected an application for Discretionary Review,
9 the Planning Commission may hear the matter only if at least one member of the Commission
10 has requested that it be scheduled for a public hearing.

11 Notwithstanding anything to the contrary in this Section (d), the Planning Commission
12 shall consider at a public hearing an application for discretionary review that a neighborhood
13 organization files within the filing deadline, if the neighborhood organization meets the
14 following criteria:

15 (1) The organization must be neighborhood-based, serving a specific neighborhood
16 or geographic area and membership must include residents or merchants of that area.

17 (2) The organization must hold regular open meetings with notice to residents or
18 merchants.

19 (3) The organization must submit evidence prior to the Commission hearing that the
20 application for discretionary review is on behalf of the organization by submitting an affidavit in
21 the form required by the Department; and

22 (4) An elected officeholder of the organization must present the discretionary review
23 request at the public hearing.

24 Any bona fide fraternal, charitable, benevolent, or other nonprofit organization that is
25 exempt from taxation under the Internal Revenue laws of the United States and the Revenue

1 and Taxation Code of the State of California may also file a request for discretionary review
2 provided that the organization is neighborhood-based and has a demonstrated interest in
3 neighborhood land use issues, including economic and environmental justice.

4 If a project sponsor requests discretionary review, the sponsor must comply with public
5 notice requirements and pay a mandatory discretionary review fee. *The project sponsor of a*
6 *building permit application may request discretionary review by the Planning Commission to resolve*
7 *conflicts between the Director of Planning and the project sponsor concerning requested modifications*
8 *to comply with relevant design guidelines of the General Plan.*

9 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
10 requests for discretionary review by the Planning Commission ~~or its designee~~ within a
11 reasonable period.

12 (2) Notice. Mailed notice of the discretionary review hearing *by the Planning*
13 *Commission* ~~or its designee~~ shall be given not less than 10 days prior to the date of the hearing
14 to the notification group as described in Paragraph 312(d)(2) above. Posted notice of the
15 hearing shall be made as provided under Planning Code Section 306.8.

16 (f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
17 the building is determined to pose a serious and imminent hazard as defined in the Building
18 Code an application authorizing demolition in any NC District of an historic or architecturally
19 important building or of a dwelling shall not be approved and issued until the City has granted
20 final approval of a building permit for construction of the replacement building. A building
21 permit is finally approved if the Board of Appeals has taken final action for approval on an
22 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
23 filing an appeal with the Board has lapsed with no appeal filed.

24 (1) The demolition of any building whether or not historically and architecturally
25 important may be approved administratively where the Director of the Department of Building

1 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
 2 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
 3 Director of the Department of Building Inspection determines that demolition or extensive
 4 alteration of the structure is the only feasible means to secure the public safety.

5 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification
 6 and Review Required. Building permit applications for new construction of a wireless
 7 telecommunications services facility as an accessory use under Article 7 of the Planning Code
 8 in all NC Districts shall be subject to the notification and review procedures required by this
 9 Section.

10 Section 4. The San Francisco Planning Code is hereby amended by amending Section
 11 352, to read as follows:

12 SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

13 (a) Conditional Use (Section 303), Planned Unit Development (Section 304),

14	Estimated Construction Cost	Initial Fee
15	No construction cost, excluding	\$785.00
16	extension of hours	
17	No construction cost, extension of hours	\$1,206.00
18	Estimated Construction Cost	Initial Fee
19	\$1.00 to \$9,999.00	\$1,206.00
20	\$10,000.00 to \$999,999.00	\$1,206.00 plus 0.557% of cost over
21		\$10,000.00
22	\$1,000,000.00 to \$4,999,999.00	\$6,722.00 plus 0.664% of cost over
23		\$1,000,000.00
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\$5,000,000.00 to \$9,999,999.00	\$33,315.00 plus 0.557% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$61,176.00 plus 0.290% of cost over \$10,000,000.00
\$20,000,000.00 or more	\$90,213.00

(b) Variance (Section 305)

Estimated Construction Cost	Initial Fee
\$0.00---\$9,999.00	\$782.00
\$10,000.00--\$19,999.00	\$1,741.00
\$20,000.00 and greater	\$3,476.00

Variance fees are subject to additional time and material charges, as set forth in Section 350c.

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule:

Estimated Construction Cost	Initial Fee
\$0.00 to \$9,999.00	\$244.00
\$10,000.00 to \$999,999.00	\$244.00 plus 0.112% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$1,352.00 plus 0.133% of cost over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$6,684.00 plus 0.111% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$12,234.00 plus 0.058% of cost over \$10,000,000.00

\$20,000,000.00 or more	\$18,063.00
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(1) Applications with Verified Violations of this Code: The Planning Department shall charge \$191.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(2) Where an applicant requests two or more approvals involving a conditional use, planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50 percent.

(3) Minor project modifications requiring a public hearing to amend conditions of approval of a previously authorized project, not requiring a substantial reevaluation of the prior authorization: \$896.00

(4) The applicant shall be charged for any time and materials beyond the initial fee in Section 352(a), as set forth in Section 350(c).

(5) An applicant proposing significant revisions to a project for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee.

(6) For agencies or departments of the City and County of San Francisco, the initial fee for applications shall be based upon the construction cost as set forth above.

(d) Discretionary Review Requests: \$300.00; provided, however, that the fee shall be waived if the discretionary review request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested discretionary

1 review in the event the Planning Commission denies the Planning Department's approval or
2 authorization upon which the discretionary review was requested.

3 (1) Mandatory ~~Discretionary~~ ~~Reviews~~ (Planning Commission or Planning Department
4 initiated): \$3,223.00.

5 (e) Institutional Master Plan (Section 304.5).

6 (1) Full Institutional Master Plan or Substantial Revision: \$11,492.00 plus time and
7 materials if the cost exceeds the initial fee as set forth in Section 350(c).

8 (2) Abbreviated Institutional Master Plan: \$2,103.00 plus time and materials if the
9 cost exceeds the initial fee as set forth in Section 350(c).

10 (f) Land Use Amendments and Related Plans and Diagrams of the San Francisco
11 General Plan: Fee based on the Department's estimated actual costs for time and materials
12 required to review and implement the requested amendment, according to a budget prepared
13 by the Director of Planning, in consultation with the sponsor of the request.

14 (g) General Plan Referrals: \$3,103.00 plus time and materials if the cost exceeds
15 the initial fee as set forth in Section 350(c).

16 (h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to
17 cover actual time and materials expected to be incurred, in consultation with the
18 Redevelopment Agency. A sum equal to 1/2 the expected cost will be submitted to the
19 Department, prior to the commencement of the review. The remainder of the costs will be due
20 at the time the initial payment is depleted.

21 (i) Reclassify Property or Impose Interim Zoning Controls: \$6,611.00.

22 (1) The applicant shall be charged for any time and materials as set forth in Section
23 350(c).

24 (2) Applications with Verified Violations of this Code: The Planning Department shall
25 charge time and materials as set forth in Section 350(c).

1 (j) Setback Line, Establish, Modify or Abolish: \$2,672.00.

2 (k) Temporary Use Fees \$391.00 as an initial fee, plus time and materials if the cost
3 exceeds the initial fee, as set forth in Section 350(c).

4 (l) Amendments to Text of the Planning Code: \$13,209.00 as an initial fee, plus
5 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

6 (m) Zoning Administrator Conversion Determinations Related to Service Station
7 Conversions: \$2,609.00 as an initial fee, plus time and materials if the cost exceeds the initial
8 fee. (Section 228.4):

9 (n) Conditional Use Appeals to the Board of Supervisors:

10 (1) \$500.00 for the appellant of a conditional use authorization decision to the Board
11 of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a
12 neighborhood organization that: (1) has been in existence for 24 months prior to the appeal
13 filing date, (2) is on the Planning Department's neighborhood organization notification list, and
14 (3) can demonstrate to the Planning Director or his/her designee that the organization is
15 substantially affected by the proposed project.

16 (2) Such fees shall be used to defray the cost of an appeal to the Planning
17 Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect
18 such fee and forward the fee amount to the Planning Department.

19 Section 5. The San Francisco Planning Code is hereby amended by amending Section 355,
20 to read as follows:

21 Section 5. The San Francisco Planning Code is hereby amended by amending Section
22 355, to read as follows:

23 SEC. 355. PERMIT APPLICATIONS.

24 (a) Building permit applications for a change in use or alteration of an existing
25 building, to be collected by Central Permit Bureau; provided, however, that the fees charged

1 for Planning Department approval over-the-counter for the replacement of windows, roofs,
 2 siding, and doors shall be reduced to 1/2 the fee set forth below.

3 4 5 Estimated Construction Cost	Initial Fee
6 \$0.00 to \$9,999.00	\$305.00
7 8 \$10,000.00 to \$49,999.00	\$306.00 plus 3.196% of cost over \$10,000.00
9 10 11 \$50,000.00 to \$99,999.00	\$1,585.00 plus 2.136% of cost over \$50,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
12 13 14 \$100,000.00 to \$499,999.00	\$2,654.00 plus 2.337% of cost over \$100,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
15 16 17 \$500,000.00 to \$999,999.00	\$12,003.00 plus 0.591% of cost over \$500,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
18 19 20 \$1,000,000.00 to \$4,999,999.00	\$14,959.00 plus 0.232% of cost over \$1,000,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
21 22 23 24 \$5,000,000.00 to \$99,999,999.00	\$24,240.00 plus 0.004% of cost over \$5,000,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee

1 2 3 4 5 6 7 8 9	\$100,000,000.00 or more	\$28,041.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
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(1) Applications with Verified Violations of this Code: The Planning Department shall charge time and materials as set forth in Section 350(c).

(2) Back-Check Fee for Permit Revisions: \$191.00 for the initial fee, plus time and materials as set forth in Section 350(c), to be collected at time of permit issuance.

(3) Shadow Impact Fee for New Construction or Alteration Exceeding 40 Feet in Height (Section 295): Additional \$438.00 plus time and materials as set forth in Section 350(c).

(4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section 311: \$45.00, plus \$3.03 per envelope (subject to increase based on envelope and postage costs). The City's reprographics department will print and mail public notices.

(5) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section 312: \$45.00, plus \$0.89 per envelope (subject to increase based on envelope and postage costs). The City's reprographics department will print and mail public notices.

(6) For projects with a construction cost of \$100,000,000.00 or more, the applicant shall be charged the permit fee for a project with a \$100,000,000.00 construction cost.

(7) Permits for solar panels and over-the-counter permits for solar equipment installation shall be \$129.00 per permit.

(b) Building Permit Applications for a New Building:

22 23 24 25	Estimated Construction Cost	Initial Fee
	\$0.00 to \$99,999.00	\$1,734.00, plus \$81.00 Discretionary Review Surcharge

	and \$267.00 Categorical Exemption Stamp Fee
\$100,000.00 to \$499,999.00	\$1,735.00 plus 2.337% of cost over \$100,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$500,000.00 to \$9,999,999.00	\$11,084.00 plus 0.746% of cost over \$500,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$1,000,000.00 to \$4,999,999.00	\$14,815.00 plus 0.287% of cost over \$1,000,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$5,000,000.00 to \$99,999,999.00	\$26,296.00 plus 0.005% of cost of \$5,000,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Stamp Fee
\$100,000,000.00 or more	\$31,047.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee

(c) Demolition Applications, to be collected by Central Permit Bureau: \$1,351.00.

(d) Fire, Police, Entertainment Commission, State Alcohol and Beverage Control and Health Department Permit Applications Referral Review: \$114.00 initial fee collected by the other Departments in conjunction with current fee collections, plus time and materials as set forth in Section 350(c).

(e) Sign Permit Applications, to be collected by Central Permit Bureau: \$119.00.

(f) Requests for Planning Department Reconsideration: \$300.00; provided, however, that the fee shall be waived if the reconsideration request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning

1 Department's neighborhood organization notification list, and (3) can demonstrate to the Planning
2 Director or his/her designee that the organization is affected by the proposed project. Such fee shall be
3 refunded to the individual or entity that requested reconsideration in the event the Planning
4 Department determines that the Planning Code and/or adopted design standards were not
5 appropriately applied to the subject building permit application under reconsideration.

6 Section 6. Discretionary Review Reform Trial Period; Report to the Board of
7 Supervisors; Sunset Provision.

8 (a) Discretionary Review Reform Trial Period. The modified discretionary review
9 process set forth in this ordinance shall be in place for a trial period of 24 months. Throughout
10 this trial period, the Commission and the Department shall work with the community to
11 improve the Residential Design Standards and will support the adoption of neighborhood-
12 specific design standards where the Citywide standards are not adequate and/or can be
13 augmented in order to enhance or conserve neighborhood character. The Discretionary
14 Review trial period should not be used to exclude area-based neighborhood organizations
15 from access to the Commission. The Commission should adopt rules to encourage
16 community activism related to land use and planning, and encourage active and full
17 participation in the development review process.

18 (b) Report to the Board of Supervisors. Within 24 months after the operative date of
19 this ordinance, the Planning Department shall present a report to the Board of Supervisors
20 about the results of the Discretionary Review reform trial period. At that time, the Board may
21 choose to introduce legislation to repeal or change the Discretionary Review reform
22 legislation, or take no action should it feel that the reform has been successful during the 24
23 month trial period. This Report shall be given subsequent to and shall include a summary of
24 a hearing before the Planning Commission on the same topic.

1 (c) Sunset Provision. This ordinance shall automatically expire by operation of law
2 24 months after its initial effective date unless the Board of Supervisors extends or re-enacts it
3 on or before that date.

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 JUDITH A. BOYAJIAN
9 Deputy City Attorney