File No. 120353 Committee Item No. 4
Board Item No. 22

# COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

**Committee:** Land Use and Economic Development **Date** September 10, 2012

**Board of Supervisors Meeting** **Date** September 18, 2012

| Cmte | Board | |
|---|---|---|
| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☒ | ☒ | Ordinance |
| ☒ | ☒ | Legislative Digest |
| ☐ | ☐ | Budget and Legislative Analyst Report |
| ☐ | ☐ | Legislative Analyst Report |
| ☐ | ☐ | Youth Commission Report |
| ☒ | ☒ | Introduction Form (for hearings) |
| ☒ | ☒ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | Grant Budget |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract/Agreement |
| ☐ | ☐ | Form 126 – Ethics Commission |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☐ | Public Correspondence |

**OTHER** **(Use back side if additional space is needed)**

| | | |
|---|---|---|
| ☒ | ☒ | Environmental Review Determination, dtd 4/25/12 |
| ☒ | ☒ | Planning Commission Resolution No. 18659 |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |

**Completed by:** Alisa Miller **Date** September 6, 2012
**Completed by:** Alisa Miller **Date** September 13, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Mechanical Car Wash Facilities on 19th Avenue]

**Ordinance amending the San Francisco Planning Code by adding Section 187.2 to permit existing gasoline and service stations located on 19th Avenue to provide a mechanical car wash on the same site; making environmental findings and findings of consistency with the General Plan.**

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

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

Section 1. Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120353 and is incorporated herein by reference. This ordinance is consistent with the General Plan and Priority Policies of Section101.1(b) of the Planning Code for the reasons set forth in this ordinance and, except as otherwise stated in this ordinance, for the reasons set forth in Planning Commission Resolution No. 18659, and the Board incorporates said Resolution herein by reference. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 120353. The Board additionally finds that by requiring mechanical car wash facilities on 19th Avenue to obtain a conditional use permit, the Planning Commission will be able to ensure, as provided in Planning Code Section 303, that a proposed mechanical car wash facility, including any involving a lot merger, will be compatible with the character of the neighborhood and will not adversely affect other nearby businesses. Pursuant to Planning

Code Section 302, this Board of Supervisors finds that this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 18659 and incorporates said Resolution herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 120353.

Section 2. The San Francisco Planning Code is hereby amended by adding Section 187.2, to read as follows:

***SEC. 187.2. MECHANICAL CAR WASH FACILITIES ON NINETEENTH AVENUE.***

*(a) As used in this Section, "automotive service station" and "gasoline station" shall mean an establishment that sells and dispenses gasoline and other motor fuels and lubricating fluids directly into motor vehicles and which may, in addition, provide the types of services specified in Section 223(f) and 223 (g) of this Code; provided that the limitation on automobile washing and polishing contained in Section 223(f)(6) shall not be interpreted as a limitation on the addition of a mechanical car wash as provided in this Section 187.2.*

*(b) As used in this Section, "mechanical car wash" shall mean an automotive wash facility, including the use of any mechanical cleaning device, the use of any mechanical conveyor blower device, or steam cleaning device, and may include washing and polishing performed by hand.*

*(c) Notwithstanding any other provision of this Code, a mechanical car wash is permitted as a conditional use on the same premises as an automotive service station or gasoline station, existing on the effective date of this Ordinance, and located on Nineteenth Avenue, starting at Lincoln Way and continuing south on Nineteenth Avenue to the southerly portion of Nineteenth Avenue to the intersection with Junipero Serra Boulevard, and continuing south along Junipero Serra Boulevard to the southern boundary of the City and County of San Francisco provided:*

*(1) A vehicle storage and standing area is provided on the premises outside the washing facilities of sufficient size to accommodate at least one-quarter of the hourly capacity in vehicles of the facility;*

*(2) Noise from the facility complies with Article 29 of the San Francisco Police Code and in no event shall noise from mechanical equipment exceed 65 dBA, as defined in Article 29, from 7:00 am to 10:00 pm, or 60 dBA from 10:00 pm to 7:00 am, when measured at any location on adjoining residential property;*

*(3) Automobile washing and drying occurs entirely within an enclosed building;*

*(4) Water use and reclamation meets criteria established by the Zoning Administrator in consultation with staff from the San Francisco Public Utilities Commission;*

*(5) A traffic study demonstrates that the operation will not cause a new significant impact on traffic on adjacent streets; and*

*(6) The facility is located on a lot equal to or greater than 12,000 square feet.*

Section 3. Effective date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: Elaine Casey Warren
ELAINE CASEY WARREN
Deputy City Attorney

FILE NO. 120353

# REVISED LEGISLATIVE DIGEST

(9/4/2012, Substituted in Board)

[Planning Code - Mechanical Car Wash Facilities on 19th Avenue]

**Ordinance amending the San Francisco Planning Code by adding Section 187.2 to permit existing gasoline and service stations located on 19th Avenue to provide a mechanical car wash on the same site; making environmental findings and findings of consistency with the General Plan.**

## Existing Law

Existing automobile service stations on 19th Avenue operate as nonconforming uses subject to Planning Code Sections 223(f) and 223(g), which limit automobile washing and polishing to those operations of an incidental nature performed primarily by hand and not including use of any mechanical devices.

## Amendments to Current Law

The proposed ordinance would add a new Section 187.2 to the Planning Code to authorize existing automobile service stations on 19th Avenue, between Lincoln Way and Junipera Serra Boulevard to offer car wash facilities using mechanical devices, provided that the facilities have sufficient space for vehicle storage and customer waiting, adequately control noise and traffic effects, minimize water use, operate the wash facilities in an enclosed space and satisfy minimum lot size requirements.

## Amendment of the Whole

The amendment of the whole additionally would require the facilities to obtain a conditional use permit. Further, Section 1 of the ordinance finds that the ordinance is consistent with the general plan for the reasons stated in Planning Commission Resolution 18659 except that the Board finds that requiring a conditional use will ensure that even facilities involving a lot merger will be compatible with neighborhood character and will not adversely affect nearby businesses.

## Background Information

This legislation, by allowing existing automobile service stations on 19th Avenue to offer mechanical car washing facilities, would assist these stations in their efforts to remain in business in San Francisco.

BOARD of SUPERVISORS

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

April 16, 2012

**File No. 120353**

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On April 10, 2012, Supervisor Olague introduced the following proposed legislation:

**File No. 120353**

Ordinance amending the San Francisco Planning Code by adding Section 187.2 to permit existing gasoline and service stations located on 19th Avenue to provide a mechanical car wash on the same site; making environmental findings and findings of consistency with the General Plan.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

Alisa Miller

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning
Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

"N/a" a project per CEQA Guidelines Sections 15060 (c)(3) and 15378.
"Nannie Turrell
April 25, 2012

# SAN FRANCISCO
# PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

July 16, 2012

Honorable Supervisors Olague, Chu and Elsbernd
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 Case Number 2012.0665T**
**BF No. 12-0353: Mechanical Car Wash Facilities on 19th Avenue**

*Recommendation:* **Approval with Modifications**

Dear Honorable Supervisors and Ms. Calvillo,

On July 12, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 12-0353.

At the June 14th hearing, the Commission voted 6-0 to recommend approval with modifications of the proposed Ordinance which would regulate mechanical car wash facilities on 19th Avenue. Pursuant to San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-page Documents", the Department is sending electronic documents and one hard copy. Additional hard copies may be requested by contacting Aaron Starr at 558-6362.

Supervisors, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibit provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorneys Elaine Warren and Cheryl Adams

Attachment: Planning Commission Resolution No. 18659

SAN FRANCISCO
**PLANNING DEPARTMENT**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

# Planning Commission Resolution No. 18659

**HEARING DATE: JULY 12, 2012**

| | |
|---|---|
| *Project Name:* | **Mechanical Car Wash Facilities on 19th Avenue** |
| *Case Number:* | 2012.0665T [Board File No. 12-0353] |
| *Initiated by:* | Supervisors Olague, Chu and Elsbernd |
| *Introduced on:* | April 10, 2012 |
| *Staff Contact:* | Aaron Starr, Legislative Affairs<br>aaron.starr@sfgov.org, 415-558-6362 |
| *Reviewed by:* | AnMarie Rodgers, Manager Legislative Affairs<br>anmarie.rodgers@sfgov.org, 415-558-6395 |

RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY ADDING SECTION 187.2 TO PERMIT EXISTING AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE GAS STATION LOCATED ON 19TH AVENUE TO PROVIDE A MECHANICAL CAR WASHES ON THE SAME SITE; MAKING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN.

PREAMBLE

Whereas, on April 10, 2012, Supervisor Olague introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0353 which amend the San Francisco Planning Code by adding Section 187.2 to permit existing automotive service stations and automotive gas station located on 19th Avenue to provide a mechanical car washes on the same site; and make environmental findings and findings of consistency with the General Plan; and

Whereas, on June 28, 2012, 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 zoning changes have 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 with modifications of the proposed Ordinance*** and adopts the attached Draft Resolution to that effect.

- Amend the proposed Ordinance to enable to permit existing automotive service stations and automotive gas station located on 19th avenue to provide a mechanical car washes on the same site via Conditional Use authorization *provided* that a lot merger or lot assembly is not included in the project.

## 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. As drafted, the proposed Ordinance would allow Automotive Washes in Residential and Neighborhood Commercial Cluster Districts.

2. **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 SUPPPORT SYSTEMS THAT CONSTITUE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

   OBJECTIVE 1
   MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

   Policy 1.1
   Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

   Policy 1.3
   Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

   *As amended by the Planning Commission, the proposed Ordinance would limit gas stations and car washes to a limited area and would prohibit lot mergers or assembles in conjunction with such uses that may be out of character with the neighborhood.*

3. 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:

   *As amended by the Planning Commission, the proposed Ordinance would not have a negative impact on existing neighborhood serving retail uses. Only existing Automotive Service Stations without lot mergers would be allowed to have Automotive Washes.*

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

   *As amended by the Planning Commission, the proposed Ordinance would not negatively impact existing housing or neighborhood character. Each proposal would be reviewed on its merits by the Planning Commission as part of a Conditional Use authorization.*

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

   *The proposed Ordinance will have no adverse effect on 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 amendments. 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 July 12, 2012.

Linda Avery
Commission Secretary

AYES: Wu, Antonini, Borden, Miguel, Moore, and Sugaya

NAYS:

ABSENT: Fong

ADOPTED: July 12, 2012

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

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

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

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

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

**Sponsor(s):**

Supervisor Olague, Elsbernd

**Subject:**

Mechanical car wash facilities on 19th Avenue

**The text is listed below or attached:**

Ordinance amending the San Francisco Planning Code by adding section 187.2 to permit existing gasoline and service stations located on 19th Avenue to provide a mechanical car wash on the same site; making environmental findings and findings of consistency with the general plan.

Signature of Sponsoring Supervisor: Christina Olague

For Clerk's Use Only:

120353