



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20154

HEARING DATE: APRIL 19, 2018

Project Name: Hours of Operation for Nonconforming Uses
Case Number: 2018-000681PCA [Board File No. TBD]
Initiated by: Planning Commission/ March 8, 2018
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND SECTION 186 OF THE PLANNING CODE TO ALLOW LIMITED NONCONFORMING USES IN SPECIFIED ZONING DISTRICTS TO OPERATE BETWEEN THE HOURS OF 10:00 P.M. AND 12:00 A.M. WITH CONDITIONAL USE AUTHORIZATION.; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on March 8, 2018 to initiate a proposed Ordinance, which would amend Section 186 of the Planning Code to allow limited nonconforming uses in specified zoning districts to operate between the hours of 10:00 p.m. and 12:00 a.m. with Conditional Use authorization.;

Whereas at their March 9, 2018, the Planning Commission initiated said ordinance per Resolution 20127; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 19, 2018; and,

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

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

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

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission finds that the proposed ordinance will allow the Commission more flexibility with regards to Limited Nonconforming Uses in the city, while still ensuring that sufficient review and conditions can be placed on these uses to preserve the quality of life in the neighborhoods where they are located.
2. The Commission finds that the proposed change is consistent with how the Planning Code regulates Limited Nonconforming Uses. Limited Nonconforming Uses are controlled by NC-1 District use controls, which allow businesses to be open past 10:00 AM.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

POLICY 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The propose ordinance will expand opportunities for businesses designated as an limited nonconforming uses by allowing them to remain open past 10:00 PM with Conditional Use authorization. This change will help to retain existing and attract new commercial activity to the City.

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:
 1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

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

5. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 19, 2018



Jonas P. Ionin
Commission Secretary

AYES: Hillis, Koppel, Johnson, Melgar, Moore, Richards

NOES: None

ABSENT: Fong

ADOPTED: April 19, 2018