

File No. 180482 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 23, 2018

Board of Supervisors Meeting Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA 051618</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral PC 051618</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination 060118</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PLN Transmittal 071318</u> |
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Completed by: Erica Major Date July 20, 2018
Completed by: Erica Major Date _____

1 [Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial
2 Districts in Supervisorial Districts 4 and 11]

3 **Ordinance amending the Planning Code to create a two-year pilot program removing**
4 **public notice and Planning Commission review for certain uses in Neighborhood**
5 **Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for**
6 **certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department's**
7 **determination under the California Environmental Quality Act; making findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1; and making findings of public necessity, convenience, and welfare**
10 **pursuant to Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) This ordinance shall be known as the Small Business Attraction Program in
21 Supervisorial Districts 4 and 11.

22 (b) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 180482 and is incorporated herein by reference. The Board affirms
this determination.

1 (c) On July 12, 2018, the Planning Commission, in Resolution No. 20230, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 180482, and is incorporated herein by reference.

6 (d) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
8 in Planning Commission Resolution No. 20230, and the Board incorporates such reasons
9 herein by reference.

10
11 Section 2. The Planning Code is hereby amended by revising Sections 312, 710, 711,
12 720, 731, 732, 733, and 734 to read as follows:

13 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
14 **NEIGHBORHOODS MIXED USE DISTRICTS AND FOR CANNABIS RETAIL AND**
15 **MEDICAL CANNABIS DISPENSARY USES IN ALL NON-RESIDENTIAL ZONING**
16 **DISTRICTS.**

17 * * * *

18 (c) **Changes of Use.**

19 (1) **NC Districts.** In NC Districts, all building permit applications for a
20 change of use to, or the establishment of, the following uses shall be subject to the provisions
21 of subsection 312(d) except as stated below:

22 Adult Business

23 Bar

24 Cannabis Retail

25 General Entertainment

- 1 Group Housing
- 2 Limited Restaurant
- 3 Liquor Store
- 4 Massage Establishment
- 5 Medical Cannabis Dispensary
- 6 Nighttime Entertainment
- 7 Outdoor Activity Area
- 8 Post-Secondary Educational Institution
- 9 Private Community Facility
- 10 Public Community Facility
- 11 Religious Institution
- 12 Residential Care Facility
- 13 Restaurant
- 14 School
- 15 Tobacco Paraphernalia Establishment
- 16 Trade School

17 However, a change of use from a Restaurant to a Limited-
18 Restaurant shall not be subject to the provisions of subsection 312(d). In addition, any
19 accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall
20 be subject to the provisions of subsection 312(d).

21 (A) NC Districts in Supervisorial Districts 4 and 11.

22 Notwithstanding subsection (c)(1), for NC Districts in Supervisorial Districts 4 and 11, building permit
23 applications for a change of use to, or the establishment of, the following uses shall be excepted from
24 the provisions of subsections 312(d)(2)-(3) and 312(e):

25 Bar

1 General Entertainment

2 Limited Restaurant

3 Liquor Store

4 Massage Establishment

5 Nighttime Entertainment

6 Outdoor Activity Area

7 Private Community Facility

8 Public Community Facility

9 Restaurant

10 Tobacco Paraphernalia Establishment

11 (B) **Sunset.** Unless reenacted, subsections 312(c)(1)(A)-(B) shall
12 expire by operation of law 24 months after the effective date of the ordinance in Board File No.

13 _____ . Upon its expiration, the City Attorney is authorized to take steps to remove subsections
14 312(c)(1)(A)-(B) from the Planning Code.

15 (d) **Building Permit Application Review for Compliance and Notification.** Upon
16 acceptance of any application subject to this Section 312, the Planning Department shall
17 review the proposed project for compliance with the Planning Code and any applicable design
18 guidelines approved by the Planning Commission. Applications determined not to be in
19 compliance with the standards of Articles 1.2, 1.5, 2, and 2.5 of the Planning Code, including
20 design guidelines for specific areas adopted by the Planning Commission, or with any
21 applicable conditions of previous approvals regarding the project, shall be held until either the
22 application is determined to be in compliance, is disapproved, or a recommendation for
23 cancellation is sent to the Department of Building Inspection.

24 (1) **Neighborhood Commercial Design Guidelines.** The
25 construction of new buildings and alteration of existing buildings in NC Districts shall be

1 consistent with the design policies and guidelines of the General Plan as adopted and
2 periodically amended for specific areas or conditions by the Planning Commission. The
3 Director of Planning may require modifications to the exterior of a proposed new building or
4 proposed alteration of an existing building in order to bring it into conformity with the General
5 Plan. These modifications may include, but are not limited to, changes in siting, building
6 envelope, scale texture and detailing, openings, and landscaping.

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

19 Written notice shall be mailed to the notification group which shall
20 include the project sponsor, tenants of the subject property, relevant neighborhood
21 organizations as described in *Subparagraph subsection* 312(d)(2)(C) below, all individuals
22 having made a written request for notification for a specific parcel or parcels, and all owners
23 and, to the extent practical, occupants, of properties in the notification area. For the purposes
24 of Section 312(h) below, written notice shall also be mailed to tenants of the subject property
25 in unauthorized residential units.

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

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

8 (C) The Planning Department shall maintain a list, updated
9 every six months with current contact information, available for public review, and kept at the
10 Planning Department's Planning Information Counter, and reception desk, as well as the
11 Department of Building Inspection's Building Permit Counter, of neighborhood organizations
12 which have indicated an interest in specific properties or areas. The organizations having
13 indicated an interest in the subject lot or its area shall be included in the notification group for
14 the proposed project. Notice to these groups shall be verified by a declaration of mailing
15 signed under penalty of perjury. In the event that such an organization is not included in the
16 notification group for a proposed project as required under this subsection 312(d)(2), the
17 proposed project must be re-noticed.

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

21 (4) **Elimination of Duplicate Notice.** The notice provisions of ~~this~~
22 ~~Section subsection 312(d)(2)~~ may be waived by the Zoning Administrator for building permit
23 applications for projects that have been, or before approval will be, the subject of a duly
24 noticed public hearing before the Planning Commission or Zoning Administrator, provided that
25

1 the nature of work for which the building permit application is required is both substantially
2 included in the hearing notice and is the subject of the hearing.

3 (e) **Requests for Planning Commission Review.** A request for the
4 Planning Commission to exercise its discretionary review powers over a specific building
5 permit application shall be considered by the Planning Commission if received by the
6 Planning Department no later than 5:00 p.m. of the last day of the notification period as
7 described under §subsection (d)(3) above, subject to guidelines adopted by the Planning
8 Commission.

9 The project sponsor of a building permit application may request
10 discretionary review by the Planning Commission to resolve conflicts between the Director of
11 Planning and the project sponsor concerning requested modifications to comply with relevant
12 design guidelines of the General Plan.

13 (1) Scheduling of Hearing. The Zoning Administrator shall set a time
14 for hearing requests for discretionary review by the Planning Commission within a reasonable
15 period.

16 (2) Notice. Mailed notice of the discretionary review hearing by the
17 Planning Commission shall be given not less than 10 days prior to the date of the hearing to
18 the notification group as described in *Paragraph subsection* 312(d)(2) above. Posted notice of
19 the hearing shall be made as provided under Planning Code Section 306.8.

20 * * * *

21
22 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

23 * * * *

24 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**
25 **ZONING CONTROL TABLE**

1 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<i>§ 102</i>	<i>NP(7)</i>	<i>NP(6)</i>	<i>NP(6)</i>
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P(2)	NP	NP
* * * *				
Animal Hospital	§ 102	NP	NP	NP
<i>Bar</i>	<i>§§ 102, 202.2(a)</i>	<i>P(2)(6)</i>	<i>NP</i>	<i>NP</i>
* * * *				
Liquor Store	§ 102	P(6)	NP	NP
* * * *				

20 * Not listed below

21 (1) Additional 5 feet for NC-1 parcels with a Commercial use on the ground floor
22 within the following areas:

23 (a) Within the boundaries of Sargent Street to Orizaba Avenue to Lobos
24 Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to
25 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.

- 1 (b) On Noriega, Irving, Taraval and Judah Streets west of 19th Avenue.
- 2 (2) P if located more than $\frac{1}{4}$ one-fourth mile from any NC District or Restricted Use
- 3 Subdistrict with more restrictive controls; otherwise, same as more restrictive control.
- 4 (3) [Note deleted.]
- 5 (4) C required for 7 or more persons.
- 6 (5) C if a Macro WTS Facility; P if a Micro WTS Facility.
- 7 (6) C in Supervisorial District 4.
- 8 (7) P in Supervisorial District 4.

10 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 * * * *

12 **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**
 13 **ZONING CONTROL TABLE**

14 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
<u>Entertainment, Arts and Recreation Use Category</u>				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>NP(8)</u>	<u>NP(9)</u>	<u>NP(9)</u>
* * * *				
Sales and Service Use Category				
* * * *				

1	Bar	§§ 102, 202.2(a)	P(9)	NP	NP
2	* * * *				
3	Liquor Store	§ 102	P(9)	NP	NP
4	* * * *				
5	Massage, Foot/Chair	§ 102	P(9)	NP	NP
6	* * * *				

7 * Not listed below

8 (1) Additional 5 feet for NC-2 parcels zoned 40' or 50' with an Active Use on the
9 ground floor within the following areas: Balboa Street between 2nd Avenue and 8th Avenue,
10 and between 32nd Avenue and 39th Avenue.

11 (2) [Note deleted.]

12 (3) C required for seven or more persons.

13 (4) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable only for the
14 Taraval Street NC-2 District between 12th and 19th Avenues as mapped on Sectional Maps 5
15 SU and 6 SU. Restaurants, Limited-Restaurants are C; Formula Retail Restaurants and
16 Limited-Restaurants are NP.

17 (5) CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT: NP for properties
18 on Chestnut Street zoned NC-2 from Broderick to Fillmore Streets as mapped on Sectional
19 Map 2 SU.

20 (6) FRINGE FINANCIAL SPECIAL USE DISTRICT: The FFSUD and its ¼ mile
21 buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special
22 Use District1 the Haight Street Alcohol Restricted Use District; the Third Street Alcohol
23 Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of
24 Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both
25 sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use

District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).

(7) C if a Macro WTS Facility; P if a Micro WTS Facility.

(8) P in Supervisorial District 4.

(9) C in Supervisorial District 4.

SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
		Controls by Story		
NON-RESIDENTIAL STANDARDS AND USES		1st	2nd	3rd+

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	NP	NP	NP

1	Passive Outdoor Recreation	§ 102	<u>CP</u>	<u>CP</u>	<u>CP</u>
2	* * * *				
3	Institutional Use Category				
4	Institutional Uses*	§ 102	P	P	P
5	<i>Community Facility</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
6	Hospital	§ 102	C	C	C
7	<i>Job Training</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
8	Medical Cannabis Dispensary**	§§ 102, 202.2(e)	DR	DR	DR
9	Philanthropic Admin. Services	§ 102	NP	NP	NP
10	<i>Philanthropic Facility</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
11	<i>Private Community Facility</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
12	Public Facilities	§ 102	C	C	C
13	<i>Religious Institution</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
14	<i>Social Service</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
15	* * * *				
16	Sales and Service Use Category				
17	* * * *				
18	Animal Hospital	§ 102	<u>CP</u>	<u>CP</u>	NP
19	* * * *				
20	Massage, Foot/Chair	§ 102	<u>PC</u>	C	<u>NPC</u>
21	* * * *				
22	Restaurant	§ 102	P	P	NP
23	* * * *				
24	Services, Limited Financial	§ 102	<u>PC</u>	<u>PC</u>	<u>NPC</u>
25					

1	<u>Services, Personal</u>	<u>§ 102</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>
2	* * * *				

3 * Not listed below

4 (1) OFF-SALE LIQUOR ESTABLISHMENTS

5 Controls:

6 (a) New Liquor Store uses with Type 20 or Type 21 ABC licenses are not
7 permitted in the district; provided, however, that any use within the District with an existing
8 Type 20 or Type 21 ABC license may obtain a new license, if required by the ABC, after it has
9 been closed temporarily for repair, renovation, remodeling, or reconstruction.

10 (b) Liquor Store uses may relocate within the district with Conditional Use
11 authorization.

12 (c) General Grocery, Specialty Grocery, and Liquor Store uses with off-sale
13 alcohol licenses shall observe the following good neighbor policies:

14 (i) Liquor establishments shall provide outside lighting in a manner
15 sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to
16 maintain security, without disturbing area residences;

17 (ii) Advertisements in windows and clear doors are not permitted, and
18 no more than 25% of the square footage of the windows and clear doors of liquor
19 establishments shall bear signage of any sort, and all signage shall be placed and maintained
20 in a manner that ensures that law enforcement personnel have a clear and unobstructed view
21 of the interior of the premises, including the area in which the cash registers are maintained,
22 from the exterior public sidewalk or entrance to the premises.

23 (2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

24 Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to,
25 properties within the Excelsior Outer Mission Street Neighborhood Commercial District.

1 Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP
 2 pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial
 3 services are P subject to the restrictions set forth in Section 249.35(c)(3).

4 (3) C if a Macro WTS Facility; P if a Micro WTS Facility.

5 (4) C for Personal Service Uses operating as a salon and/or providing cosmetic services.

7 **SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 * * * *

9 **Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 10 **ZONING CONTROL TABLE**

11 * * * *

Zoning Category	§ References	Controls		
		Controls by Story		
NON-RESIDENTIAL STANDARDS AND USES		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
* * * *				

1 SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

2 * * * *

3 Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
4 ZONING CONTROL TABLE

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL		Controls by Story		
STANDARDS AND USES		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
* * * *				

19 SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

20 * * * *

21 Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
22 ZONING CONTROL TABLE

23 * * * *

Zoning Category	§ References	Controls		
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NON-RESIDENTIAL STANDARDS AND USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
* * * *				

* * * *

SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category NON-RESIDENTIAL STANDARDS AND USES	§ References	Controls		
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				

1	Entertainment, Arts and	§ 102	NP	NP	NP
2	Recreation Uses*				
3	<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
4	* * * *				
5	Sales and Service Use Category				
6	* * * *				
7	Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
8	* * * *				

9

10 Section 3. Report to the Board of Supervisors. 20 months after the effective date of
11 the ordinance in Board File No. 180482, the Planning Department and the Mayor's Office of
12 Economic and Workforce Development shall jointly submit a report to the Board of
13 Supervisors describing the number of permit applications submitted pursuant to Section
14 312(c)(1)(A) and an evaluation of the impacts of that subsection.

15

16 Section 34. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment


24 ///

25 ///

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:


7 AUSTIN M. YANG
8 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/16/2018)

[Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial Districts in Supervisorial Districts 4 and 11]

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Planning Code Section 312 requires the Planning Department to review an application for a building permit in Neighborhood Commercial Districts (NCDs) for consistency with the Planning Code and applicable design guidelines for specified Uses. Existing law also requires the Planning Department to conduct a neighborhood notification, which goes out to residents and property owners located within 150 feet of the subject property and registered neighborhood groups for a 30-day public review period. A request for the Planning Commission to exercise its discretionary review authority must be made in this 30-day period.

Planning Code section 710 sets forth the zoning controls for Neighborhood Commercial Cluster Districts (NC-1) across the City. Planning Code section 711 sets forth the zoning controls for Small-Scale Neighborhood Commercial Districts (NC-2) across the City. The Planning Code recognizes that some NCDs are unique in character. For those districts, the City has developed individually named NCDs. Examples include: the Excelsior Outer Mission NCD, the Noriega NCD, the Irving Street NCD, the Taraval Street NCD, and the Judah Street NCD.

Amendments to Current Law

This amendment would create a two-year pilot program in Supervisorial Districts 4 and 11 to remove from the notice requirements of Section 312(d) permit applications for the following Uses: Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, Tobacco Paraphernalia Establishment. This amendment would also remove the ability to request the Planning Commission to exercise its discretionary

review authority over those permit applications. Under the terms of the ordinance, the pilot program would expire 24 months from the date of enactment, unless it is reenacted.

The amendment would also change the zoning controls certain uses within supervisorial districts 4 and 11.

All references to Supervisorial Districts are pursuant to district maps as of the date of enactment.

Background Information

The ordinance shall be known as the Small Business Attraction Program in Supervisorial Districts 4 and 11. By removing the 30-day notice requirement and ability to request discretionary review by the Planning Commission, this pilot program in Supervisorial Districts 4 and 11 is intended to remove some of the barriers for small businesses in those districts.

Changes to the zoning controls are intended to reflect the policy and priorities appropriate for each supervisorial district.

This version makes changes to the zoning controls in the named NCs in supervisorial district 4 (Noriega, Irving, Taraval, and Judah) for Arts Activities. This version also creates a requirement for the Planning Department and the Mayor's Office of Economic and Workforce Development to jointly prepare a report to evaluate the successes of the pilot program 20 months after the passage of this ordinance.

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SAN FRANCISCO PLANNING DEPARTMENT

July 13, 2018

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

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Suite 400
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**Re: Transmittal of Planning Department Case Number 2018-007346PCA:
Permit Review Procedures and Zoning Controls – Neighborhood Commercial
Districts in Supervisorial Districts 4 and 11
Board File No. 180482
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisors Tang and Safai,

On July 12, 2018, the Planning Commission conducted duly noticed public hearing at regularly scheduled meetings to consider the proposed Ordinance, introduced by Supervisors Tang and Safai that would create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11 as well as modify zoning controls for certain uses in those Supervisorial Districts. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

- Principally permit the following Institutional Uses within the Excelsior Outer Mission Street NCD at all stories:
 - Community facility
 - Job Training
 - Philanthropic Facility
 - Private Community Facility
 - Religious Institution
 - Social Service
- Principally permit Arts Activities uses at the first story and require Conditional Use authorization at the second story and above in the named Neighborhood Commercial Districts completely within Supervisorial District 4 (Irving Street Neighborhood Commercial District, Judah Street Neighborhood Commercial District, Noriega Street Neighborhood Commercial District, Taraval Street Neighborhood Commercial District).
- Include a reporting requirement to track the changes of use to the use types excepted from notification and from Planning Commission review request within Supervisorial Districts 4 and 11.
- Reconcile this Ordinance (BF 180482) with the Streamlining Ordinance (BF 180423).

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.

Supervisors, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Starr', with a large, sweeping flourish extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:

Austin M. Yang, Deputy City Attorney
Menaka Mohan, Aide to Supervisor Tang
Suhagey Sandoval, Aide to Supervisor Safai
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20230

HEARING DATE JULY 12, 2018

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Project Name: Permit Review Procedures and Zoning Controls – Neighborhood
Commercial Districts in Supervisorial Districts 4 and 11
Case Number: 2018-007346PCA [Board File No. 180482]
Initiated by: Supervisor Tang / Introduced May 8, 2018
Staff Contact: Diego R Sánchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CREATE A TWO-YEAR PILOT PROGRAM REMOVING PUBLIC NOTICE AND PLANNING COMMISSION REVIEW FOR CERTAIN USES IN NEIGHBORHOOD COMMERCIAL DISTRICTS IN SUPERVISORIAL DISTRICTS 4 AND 11; MODIFYING ZONING CONTROLS FOR CERTAIN USES IN SUPERVISORIAL DISTRICTS 4 AND 11; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE SECTION 302.

WHEREAS, on May 8, 2018 Supervisor Tang introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180482, which would amend the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; and modifying zoning controls for certain uses in Supervisorial Districts 4 and 11;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 12, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; 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 with modifications** the proposed ordinance. The modifications include:

Principally permit the following Institutional Uses within the Excelsior Outer Mission Street NCD at all stories:

- a. Community Facility
- b. Job Training
- c. Philanthropic Facility
- d. Private Community Facility
- e. Religious Institution
- f. Social Service

Principally permit Arts Activities uses at the first story and require Conditional Use authorization at the second story and above in the named Neighborhood Commercial Districts completely within Supervisorial District 4 (Irving Street Neighborhood Commercial District, Judah Street Neighborhood Commercial District, Noriega Street Neighborhood Commercial District, Taraval Street Neighborhood Commercial District).

Include a reporting requirement to track the changes of use to the use types excepted from notification and from Planning Commission review request within Supervisorial Districts 4 and 11.

Reconcile this Ordinance (BF 180482) with the Streamlining Ordinance (BF 180423).

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. Reducing permit review times for uses that are principally permitted or are identified as drivers of economic growth is beneficial to the City's retail corridors.
2. Further, individually tailoring the land use controls for specific neighborhoods helps the NCDs respond to the needs of adjacent residents.
3. The Commission believes that Institutional uses have an integral role in the health of the City's residents and retail corridors. Facilitating their entry into the City's NCDs, and especially at the

street level, is paramount. Land use controls on Institutional uses be most permissive at the first story.

4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed Ordinance would help attract neighborhood serving uses, like eating and drinking uses, to the NCDs in Supervisorial District 4 and Supervisorial District 11 by reducing permit review timelines. These uses are often small businesses responding to the latest changes in the marketplace.

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD FOR NEIGHBORHOOD ACTIVITIES.

Policy 3.1

Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3.3

Develop centers to serve an identifiable neighborhood.

Policy 3.4

Locate neighborhood centers so they are easily accessible and near the natural center of activity.

The proposed Ordinance would amend land use controls on institutional uses to assure that compatible neighborhood centers are allowed within the Excelsior Outer Mission NCD.

BALBOA PARK STATION AREA PLAN

OBJECTIVE 1.3

ESTABLISH AN ACTIVE, MIXED-USE NEIGHBORHOOD AROUND THE TRANSIT STATION.

Policy 1.3.2

Encourage centers for cultural enrichment in the Transit Station Neighborhood.

The proposed Ordinance would facilitate the entry of Arts Activity uses to the Balboa Park Station Area Plan by reducing permit review time lines for these uses in the Small Scale Neighbor Hood Commercial Transit District (NCT-2) zoning districts

5. **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 will benefit neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail because the Ordinance proposes to relax land use controls on neighborhood serving retail uses.

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 and will improve neighborhood character because it proposes land use controls that will benefit both.

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 because the proposed Ordinance concerns itself with retail land use controls.

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 because the Ordinance amends regulations on retail land uses.

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

The proposed Ordinance will not have an adverse effect on City's preparedness against injury and loss of life in an earthquake because the Ordinance proposes to amend land use controls on retail uses.

7. That the landmarks and historic buildings be preserved;

Because the Ordinance proposes only to amend controls land use controls on retail uses within specific NCDs, the Ordinance will 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 because the Ordinance proposes changes to land use controls regulating retail uses in specific NCDs.

6. **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 WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 12, 2018.



Jonas P. Ionin
Commission Secretary

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

NOES: None

ABSENT: Fong

ADOPTED: July 12, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment HEARING DATE: JULY 12, 2018 90-DAY DEADLINE: AUGUST 14, 2018

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Project Name: Permit Review Procedures and Zoning Controls – Neighborhood Commercial Districts in Supervisorial Districts 4 and 11
Case Number: 2018-007346PCA [Board File No. 180482]
Initiated by: Supervisor Tang / Introduced May 8, 2018
Staff Contact: Diego R Sánchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11. The Ordinance would also modify zoning controls for certain uses in Supervisorial Districts 4 and 11.

The Way It Is Now:

1. In Supervisorial Districts 4 and 11 the following uses are subject to notification and requests for Planning Commission review to exercise its Discretionary Review powers pursuant to Planning Code Section 312: Adult Business, Bar, Cannabis Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution, Private Community Facility, Public Community Facility, Religious Institution, Restaurant, Residential Care Facility, School, Tobacco Paraphernalia Establishment, Trade School
2. In the Neighborhood Commercial Cluster (NC-1) Districts Arts Activities uses are not permitted at any story; Bar uses are principally permitted at the first story if they are located more than one-fourth mile from any NC District or Restricted Use Subdistrict with more restrictive controls; and Liquor Store uses are principally permitted at the first story. (*See Exhibit B for Summary Chart*)
3. In the Small-Scale Neighborhood Commercial (NC-2) Districts Arts Activities uses are not permitted at any story; Bar uses are principally permitted at the first story; Liquor Store uses are principally permitted at the first story; and Foot/Chair Massage uses are principally permitted at the first story. (*See Exhibit B for Summary Chart*)
4. In the Excelsior Outer Mission Street Neighborhood Commercial District, Arts Activities are prohibited at all stories; Passive Outdoor Recreation uses requires Conditional Use authorization at all stories; Community Facility uses, Job Training uses, Philanthropic Facility uses, Private Community Facility uses, Religious Institution uses, and Social Service uses are principally permitted

at all stories; Animal Hospital uses are allowed at the first and second stories with Conditional Use authorization and prohibited at the third story; Foot/Chair Massage uses are principally permitted at the first story, allowed with Conditional Use authorization at the second story and prohibited at the third story and above; Restaurant uses are prohibited at the third story and above; Limited Financial Services are principally permitted at the first and second stories and prohibited at the third story and above; and Personal Service uses operating as a salon and/or providing cosmetic services are principally permitted at all stories. *(See Exhibit B for Summary Chart)*

5. In the Noriega Street, Irving Street, Taraval Street, and Judah Street Neighborhood Commercial Districts Foot/Chair Massage is principally permitted at the first story.

The Way It Would Be:

1. In Supervisorial Districts 4 and 11 the following uses would be exempted from notification and requests for Planning Commission review to exercise its Discretionary Review powers pursuant to Planning Code Section 312 for a period of 24 months after the effective date of the Ordinance: Bar, General Entertainment Limited Restaurant, Liquor Store, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, Tobacco Paraphernalia Establishments
2. In the Neighborhood Commercial Cluster (NC-1) Districts in Supervisorial District 4, Arts Activities uses would be principally permitted at the first story and require Conditional Use authorization at the second story and above; Bar uses would require Conditional Use authorization at the first story; and Liquor Store uses would require Conditional Use authorization at the first story. *(See Exhibit B for Summary Chart)*
3. In the Small-Scale Neighborhood Commercial (NC-2) Districts in Supervisorial District 4, Arts Activities would be principally permitted at the first story and require Conditional Use authorization at the second story and above; Bars would require Conditional Use authorization at the first story; Liquor Store uses would require Conditional Use authorization at the first story; and Foot/Chair Massage uses would require Conditional Use authorization at the first story. *(See Exhibit B for Summary Chart)*
4. In the Excelsior Outer Mission Street Neighborhood Commercial District, Arts Activities and Passive Outdoor Recreation uses would be principally permitted at all stories; Community Facility uses, Private Community Facility uses and Religious Institution uses would require Conditional Use authorization at all stories; Job Training uses, Philanthropic Facility uses and Social Service uses would be prohibited at the first story and principally permitted at the second story and above; Animal Hospital uses would be principally permitted at the first and second stories; Foot/Chair Massage would be allowed with Conditional Use authorization at all stories; Restaurant uses would be principally permitted at all stories; Limited Financial Services would be allowed with Conditional Use authorization at all stories; and Personal Service uses operating as a salon and/or providing cosmetic services would require Conditional Use authorization at all stories. *(See Exhibit B for Summary Chart)*
5. In the Noriega Street, Irving Street, Taraval Street, and Judah Street Neighborhood Commercial Districts Foot/Chair Massage would require Conditional Use authorization at the first story

ISSUES AND CONSIDERATIONS

Planning Code Section 312

Purpose and Procedures

The purpose of Planning Code Section 312 is to establish procedures for reviewing building permit applications (BPAs) in the City's Neighborhood Commercial Districts (NCDs). These procedures help determine compliance of proposed uses with Planning Code development standards. They also serve to provide written notice of the proposal. Written notice is sent to property owners and occupants within 150 feet of the project site as well as to interested neighborhood organizations.¹

BPAs subject to Section 312 cannot be approved over the counter. These BPAs require Planning Department staff (Staff) review and coordination with Planning Department administrative staff to conduct the required notice. This process, given existing Staff workload and the 30 day notice period, often takes 90 to 120 days to complete. While this is shorter than the typical Conditional Use authorization (CU) process, it seems lengthy for applicants especially for uses identified in the Planning Code as principally permitted. The required permit review period can also be extended if a request for Discretionary Review (DR) is filed. Given the required Staff analysis and Planning Commission hearing, a DR can add another 90 days to the permit review period for a principally permitted use.

Uses Subject to Planning Code Section 312

When first enacted, neighborhood notice was required for all BPAs proposing a change of use in the NCDs.² Shortly after, these requirements were circumscribed to subject only twelve uses to Section 312 notice.³ Today the 20 uses listed below require notification within the NCDs. It is relevant to note that the number of uses subject to Section 312 has changed over time, according to the needs of the day.

- Adult Business
- Bar
- Cannabis Retail
- General Entertainment
- Group Housing
- Limited Restaurant
- Liquor Store

¹ Board File 180423, which proposes changes to the Planning Code notification procedures and which will be before the Mayor for signature, maintains the notification to property owners and occupants within 150 feet of the project site as well as to relevant neighborhood organizations for permit review in the City's NCDs.

<https://sfgov.legistar.com/View.ashx?M=F&ID=6333993&GUID=F0EE1B72-41D5-4192-A268-A63EEBB24DD0>

² Ordinance No. 279-00

<https://sfgov.legistar.com/View.ashx?M=F&ID=2581135&GUID=B71B45D5-4601-46E7-A984-686A2676DCDD>

³ Ordinance No. 258-04

<https://sfgov.legistar.com/View.ashx?M=F&ID=2579122&GUID=1279D410-9687-4FB3-8F28-21463DD731FD>

- Massage Establishment
- Medical Cannabis Dispensary
- Nighttime Entertainment
- Outdoor Activity Area
- Post-Secondary Educational Institution
- Private Community Facility
- Public Community Facility
- Religious Institution
- Residential Care Facility
- Restaurant
- School
- Tobacco Paraphernalia Establishment
- Trade School

Single and Dual Notification

In certain zoning districts, uses subject to Section 312 also require CU. This means that property owners within 300 feet of the project site will also be noticed, in accordance with the CU notice requirements.⁴ This is in addition to, and concurrent with, providing written notice in accordance with Section 312.

It is important to note that some uses requiring CU may either not be subject to or are exempted from the Section 312 notice requirements. In these cases the proposed project will still have to undergo the CU required neighborhood notification process and the mandatory Planning Commission hearing.

The Intent and Amendment of Neighborhood Commercial Districts

Intent of the Neighborhood Commercial Districts

In 1987 the Planning Code was amended to create the Neighborhood Commercial Districts. The NCDs are intended to manage the health and growth of the City's retail corridors by striking a balance between the different types of uses allowed.⁵ To this end, a stated purpose of the NCDs is to allow the application of particular controls to each NCD to address their specific land use issues.⁶

The concern for balance between different types of uses extends beyond the street level to include the building stories above. Story controls, an important innovation of the NCDs, allow the application of zoning controls to particular building floors. These controls help direct specific uses to locations where they make the most sense. For example, uses that depend upon or readily attract foot traffic are appropriate for the street level. Locating these types of uses at the street level can provide benefits to other uses, as patrons to these establishments may easily visit nearby businesses. Other uses that can subsist on an appointment basis may be better suited to commercial spaces above the street.

Amending the NCDs

⁴ Planning Code Section 306.3, Notice of Hearings

⁵ Ordinance 69-87

⁶ Planning Code Section 701.1(c)

San Francisco's neighborhoods are generally served by one or more NCD. Because neighborhood residents depend on these retail corridors for goods and services, it makes sense to periodically amend the NCD land use controls. Amendments should reflect the adjacent resident's changing needs and assure the corridor's on-going health. For example, if an overconcentration of one particular use type emerges, amending the land use controls to require CU for the use can help achieve a balance between competing uses. Conversely, when a retail corridor is lacking a particular use it makes sense to relax land use controls and help facilitate the entry of that use. Since the concentration of uses within NCDs is typically unique, and because the needs of adjacent residents can also be distinct, the specific amendments are also often distinct.

Trends in the Retail Sector

In 2018, the San Francisco Office of Economic and Workforce Development (OEWD) released the State of the Retail Sector: Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts report (Report).⁷ Very broadly, the Report looked at changing national retail trends and their effect upon the City's NCDs. It provided an in-depth look at three topics: the restructuring of the retail sector; the factors required to support successful retail corridors in San Francisco; and the opportunities and challenges facing San Francisco retail establishments and the possible adaptations.

With respect to the factors required to support a successful retail corridor the Report found five factors that support success. These factors are: Trade Area Characteristics, Anchors and Mix of Uses, Physical Form and Built Environment, Transportation and Access, and District Management and Capacity.

The Report highlights the importance of anchors and mixes of retail and non-retail uses because they generate foot traffic. An anchor is a use, retail or non-retail, which attracts foot traffic to the retail corridor. Anchors include grocery stores, a cluster of related retail stores or eating and drinking uses, or a civic, cultural, entertainment or institutional use. Regarding a mix of uses, the Report recommends a retail corridor include goods and services that serve daily needs as well as for comparison shopping; personal services, eating and drinking uses, and entertainment uses; independent and Formula Retail uses; ground floor uses that reflect community character; affordable neighborhood-serving goods, services, and experiences; and some amount of office and housing uses. This mix is recommended because businesses rely on each other and other uses to generate foot traffic. For example, an individual may come to a retail corridor to buy groceries or attend a cultural event, but also stay to shop at other corridor businesses. It is important that a retail corridor capture this synergy between establishments, be they anchors or otherwise.

⁷ State of the Retail Sector: Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts Strategic Economics
Executive Summary, January 2018
http://oewd.org/sites/default/files/Invest%20In%20Neighborhoods/State%20of%20the%20Retail%20Sector%20-%20Executive%20Summary_0.pdf
Final Report, February 15, 2018
<http://oewd.org/sites/default/files/Invest%20In%20Neighborhoods/State%20of%20the%20Retail%20Sector%20-%20Final%20Report.pdf>

Modifying a retail corridor's land use controls to facilitate the entry of anchor tenants and to create a healthy mix of uses can help assure its success. This would include judiciously applying the CU requirement on retail and institutional uses since they serve to attract patrons to the retail corridor. It also can include exempting these uses from Section 312 neighborhood notice or from prohibitions. This is especially true for land use controls on street level uses, since they are most visible and accessible to foot traffic.

Institutional Uses

Under the Planning Code the following uses are included as Institutional Uses:⁸

- Community Facility
- Private Community Facility
- Job Training
- Religious Institution
- Social Service or Philanthropic Facility

These uses provide health, occupational/educational, cultural, social, or recreational services. These uses can become important pillars to a community and can serve as a focus of community activity and social interaction. They are also generators of foot traffic, which benefits other retail or commercial uses in their vicinity.

Convenient access to Institutional uses improves quality of life for nearby residents. The City's General Plan recognizes the value of these community serving uses in the Community Facilities Element.⁹ The Community Facilities Element assumes that quality of community life is enhanced when services and facilities that meet diverse human needs are readily available. It also assumes that meeting social needs and enriching human life requires the development of adequate and flexible facilities to house needed services.

In this light, it makes sense to tailor land use controls to preserve and enhance existing community serving Institutional uses. It is also important to allow new Institutional uses in a neighborhood's central corridor to help meet unmet needs. The locational criteria in the Community Facilities Element support siting these uses in these areas. Principally permitting these uses in lieu of requiring Conditional Use authorization or prohibiting them can accomplish this. Because the street level is most visible and conveniently accessible, it is especially critical that land use controls are most relaxed at the first story for Institutional uses.

General Plan Compliance

Commerce and Industry Element

⁸ Planning Code Section 102

⁹ San Francisco General Plan, Community Facilities Element, Objective 3: Assure that neighborhood residents have access to needed services and a focus for neighborhood activities.

Objective 6: Maintain and strengthen viable neighborhood commercial areas easily accessible to City residents.

Policy 6.1: Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts

Policy 6.2: Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society

The proposed Ordinance would help attract neighborhood serving uses, like eating and drinking uses, to the NCDs in Supervisorial District 4 and Supervisorial District 11 by reducing permit review timelines. These uses are often small businesses responding to the latest changes in the marketplace.

Community Facilities Element

Objective 3: Assure that neighborhood residents have access to needed services and a focus for neighborhood activities

Policy 3.1: Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3.3: Develop centers to serve an identifiable neighborhood

Policy 3.4: Locate neighborhood centers so they are easily accessible and near the natural center of activity.

The proposed Ordinance would amend land use controls on institutional uses to assure that compatible neighborhood centers are allowed within the Excelsior Outer Mission NCD

Balboa Park Station Area Plan

Objective 1.3: Establish an active, mixed-use neighborhood around the transit station

Policy 1.3.2: Encourage centers for cultural enrichment in the Transit Station Neighborhood.

The proposed Ordinance would facilitate the entry of Arts Activity uses to the Balboa Park Station Area Plan by reducing permit review time lines for these uses in the Small Scale Neighbor Hood Commercial Transit District (NCT-2) zoning districts.

Implementation

The Department has determined that the Ordinance will have no adverse effect on our current implementation procedures for non-residential projects.

RECOMMENDATION

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

1. Principally permit the following Institutional Uses within the Excelsior Outer Mission Street NCD at all stories:
 - a. Community Facility
 - b. Job Training
 - c. Philanthropic Facility
 - d. Private Community Facility

- e. Religious Institution
- f. Social Service

BASIS FOR RECOMMENDATION

The Department supports the overall goals of the Ordinance. Reducing permit review times for uses that are principally permitted or are identified as drivers of economic growth is beneficial to the City's retail corridors. Further, individually tailoring the land use controls for specific neighborhoods helps the NCDs respond to the needs of adjacent residents. The Department, however, believes that Institutional uses have an integral role in the health of the City's residents and retail corridors. Facilitating their entry into the City's NCDs, and especially at the street level, is paramount. To this end the Department is making the following recommendation:

Recommendation 1: Amend Planning Code Section 720 to principally permit certain Institutional Uses in the Excelsior Outer Mission NCD at all stories. Institutional uses provide valuable services to the City's residents and also serve as gathering places for many communities. As noted in OEWD's report on the retail sector, Institutional uses can serve as retail corridor anchors, improving the prospects for other businesses in an NCD. Further, the City's General Plan also highlights the importance of Institutional uses to the City's residents and encourages their location within a community's center of activity. It is reasonable that given the visibility and convenient access of street level spaces that land use controls on Institutional uses be most permissive at the first story.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

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

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Summary Charts of Existing Land Use Controls and Proposed Changes
- Exhibit C: Board of Supervisors File No. 180482

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

May 16, 2018

File No. 180482

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On May 8, 2018, Supervisor Tang introduced the following proposed legislation:

File No. 180482

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

. Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sf.gov, c=US
Date: 2018.06.01 14:00:39 -07'00'

180519
180482
180320

Dick-Endrizzi, Regina (ECN)

From: Dick-Endrizzi, Regina (ECN)
Sent: Monday, July 16, 2018 1:14 PM
To: Tang, Katy (katy.tang@sfgov.org); Kim, Jane (BOS); Safai, Ahsha (BOS)
Cc: Lisa Pagan (lisa.pagan@sfgov.org); Raphael, Deborah (ENV); Summers, Ashley (BOS); Mohan, Menaka (BOS)
Subject: Items 1, 3 and 4 at today's land use

Supervisors,

My apologies by I will not be able to been attendance at today's Land Use and Transportation Committee. I will be in Chinatown for a workshop on the Accessible Business Entrance Program.

The Commission's official response is not in the packet and that must be my error. In short the Small Business Commission heard these items at its June 25, 2018 meeting and recommends approver with a couple of additional notes.

Item #1: - Single-Use Food Ware Plastics, Toxics, and Litter Reduction - the Commission recommended approval. There were still some nuances at the time of the hearing to be worked out regarding Events that the SBC recommends working with OEWD to finalize. The Small Business Commission recommends the Board of Supervisors ensures the Department of Environment has adequate funding to do a consumer outreach campaign at least 4 months before implementation date. This is to minimize educating the consumer at the time of service. The Small Business Commission has a great deal of trust with the Department of Environment in being well thought out and researched identifying replacement products.

Item #3: Permit Review Procedures and Zoning Controls - Neighborhood Commercial Districts in Supervisorial Districts 4 and 11- The Small Business Commission supports Supervisor Tang and Safai's amending the zoning controls regarding the 312 notice for business are zoned for permitted uses but require a change of use to open in the location desired. The Small Business Commission supports the intention of increasing the attraction to opening a business in these two districts. This is a pilot program that will be measure and tracked and the Small Business Commission looks forward to a report at the end of the 24 month period.

The Small Business Commission did not weigh in on the zoning changes made to "Art Organizations, Job Training, Philanthropic Facility, Private Community Facility, Religious Institutions and Social Services", as these are generally non-profits entities. It is more appropriate for the Office of Economic and Workforce Development to provide input to these changes.

Item #4: Planning Code - Catering as an Accessory Use in Neighborhood Commercial Districts. The Small Business Commission recommends approval. This has made this suggestion in the past. The Small Business Commission supports the Planning Commission's recommendation to all in all zoning districts and recommends you adopt the Planning Commission's recommendation.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business
regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573
City Hall, Suite 110 | 1 Carlton B. Goodlett Place | San Francisco, CA 94102

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SAN FRANCISCO
2018 JUL 16 PM 1:21

Member, Board of Supervisors
District 4



City and County of San Francisco

KATY TANG

DB
Leg Clerk
Leg Dep

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 JUL 18 PM 1:05

DATE: July 18, 2018

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Katy Tang, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 24, 2018, as Committee Reports:

180320 Planning Code - Catering as an Accessory Use

Ordinance amending the Planning Code to allow Catering as an Accessory Use to Limited Restaurants under certain conditions; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

180482 Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial Districts in Supervisorial Districts 4 and 11

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Member, Board of Supervisors
District 4



City and County of San Francisco

KATY TANG

COMMITTEE REPORT MEMORANDUM

Land Use and Transportation Committee

180557 Planning Code - Technical Amendments

Ordinance amending the Planning Code in order to correct errors in enacted legislation, update outdated references, clarify existing requirements, and re-enact existing text inadvertently deleted in the reorganization of Articles 2 and 7; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 23, 2018, at 1:30 p.m.

BOARD of SUPERVISORS



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

May 16, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On May 8, 2018, Supervisor Tang introduced the following legislation:

File No. 180482

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- AnMarie Rodgers, Director of Citywide Planning
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

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May 16, 2018

File No. 180482

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On May 8, 2018, Supervisor Tang introduced the following proposed legislation:

File No. 180482

Ordinance amending the Planning Code to create a two-year pilot program removing public notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for certain uses in Supervisorial Districts 4 and 11; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 MAY -8 PM 4:49
BY _____

Time stamp
or meeting date

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

- 1. For reference to Committee.
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 Imperative

Sponsor(s):

Tang, Safai

Subject:

Planning Code - Permit Review Procedures and Zoning Controls for Neighborhood Commercial Districts in Supervisorial Districts 4 and 11

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: