



SAN FRANCISCO PLANNING DEPARTMENT

November 30, 2012

Supervisor Campos and
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 2012.1327T
Board File No. 12-0880: Personal Service Uses in the Valencia Street NCT**

Recommendation: Approval

Dear Supervisor Campos and Ms. Calvillo,

On November 29, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 12-0880.

At the November 29th hearing, the Commission voted 7-0 to recommend approval of the proposed Ordinance, which would allow Personal Service uses on the third floor with Conditional Use approval in the Valencia Street NCT.

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,

A handwritten signature in cursive script, appearing to read "AnMarie Rodgers".

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorney Judith A. Boyajian

Attachments (one copy of the following):

Planning Commission Resolution No. 18749
Department Executive Summary

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18749

HEARING DATE NOVEMBER 29, 2012

Project Name: **Amendments relating to the Valencia Street NCT:
Personal Services on the Third Floor**

Case Number: 2012.1327T [Board File No. 12-0880]

Initiated by: Supervisor Campos / Introduced September 4, 2012

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY AMENDING SECTION 726.52, OF THE ZONING CONTROL TABLE, FOR THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT TO: 1) PERMIT A "PERSONAL SERVICE" USE ON THE THIRD STORY AND ABOVE WITH A CONDITIONAL USE AUTHORIZATION; AND 2) MAKING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on September 4, 2012, Supervisors Campos introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0880, which would amend the San Francisco Planning Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to: 1) permit a "Personal Service" use on the third story and above with a Conditional Use Authorization; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 29, 2012; and,

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

WHEREAS, the 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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **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. Traditionally, "Personal Service" was prohibited above the ground story because of a concern for loss of dwelling units. This concern is obviated in the Valencia Street NCT because residential conversion is now prohibited above the first floor. Establishing a "Personal Service" use on the third floor will allow greater flexibility for business and property owners in the Valencia Street NCT if the use is determined to be necessary or desirable by the Planning Commission.

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

I. 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.

The proposed Ordinance would permit Personal Service uses on the third floor, which allows businesses greater flexibility on where they can locate and encourages the retention and provision of neighborhood-serving services by increasing the availability of spaces in which they can operate.

8. **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 permit Personal Service uses on the third floor, which allows businesses greater flexibility on where they can locate and encourages the retention and provision of neighborhood-serving services by increasing the availability of spaces in which they can operate.

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

Existing housing and neighborhood character will be conserved because existing residential units on the third floor cannot be displaced by new personal service uses.

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

The proposed Ordinance will have no 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 will 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 will have no impact on the City's ability to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would not be negatively impacted by the proposed Ordinance.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance.

8. **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 recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 29, 2012.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya and Wu

NOES: none

ABSENT: none

ADOPTED: November 29, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: NOVEMBER 29, 2012

Project Name: **Amendments relating to the Valencia Street NCT:
Personal Services on the Third Floor**

Case Number: 2012.1327T [Board File No. 12-0880]

Initiated by: Supervisor Campos / Introduced September 4, 2012

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to: 1) permit a "Personal Service" use on the third story and above with a Conditional Use Authorization; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

The Way It Is Now:

"Personal Service" is principally permitted on the first floor, requires conditional use authorization on the second floor and is prohibited on the third floor and above.

The Way It Would Be:

"Personal Service" would be allowed on the third floor and above with conditional use authorization. The controls for the first and second floors would not change.

ISSUES AND CONSIDERATIONS

Planning Code Section 790.16 defines "Personal Service" as "[a] retail use which provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, or instructional services not certified by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes."

The intention behind this legislation is to allow an existing massage school to expand and operate on the third floor. This particular massage school is not considered an "Institution" per the Planning Code because it is not certified by the Western Association of Schools and Colleges; it is considered "Personal Service" because it is not certified. Passing this legislation will not allow a massage establishment on the third floor. Massage establishments are either considered "Medical Service" if all of the therapists are certified by the State or a "Massage Establishment" if any of the therapists are not licensed by the State. Both of these uses are prohibited on the third floor and above in the Valencia Street NCT.

REQUIRED COMMISSION ACTION

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

RECOMMENDATION

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

BASIS FOR RECOMMENDATION

Traditionally, "Personal Service" was prohibited above the ground story because of a concern for loss of dwelling units. This concern is obviated in the Valencia Street NCT because residential conversion is now prohibited above the first floor. Establishing a "Personal Service" use on the third floor will allow greater flexibility for business and property owners in the Valencia Street NCT if the use is determined to be necessary or desirable by the Planning Commission.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Section 726.52 (Personal Service Use in the Valencia NCT) would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received one phone call inquiring about the proposed legislation.

RECOMMENDATION:	Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 12-0880