

File No. 111315

Committee Item No. 1

Board Item No. 3

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date February 27, 2012

Board of Supervisors Meeting

Date 3-13-12

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
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#### OTHER (Use back side if additional space is needed)

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Environmental Review Determination, dtd 1/5/11</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 18550</u>       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
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Completed by: Alisa Miller Date February 24, 2012

Completed by: Alisa Miller Date February 29, 2012

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

1 [Planning Code - Automobile Sale or Rental in NC-S Districts]

2  
3 **Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an**  
4 **automobile sale or rental use in NC-S Districts as a conditional use; and 2) making**  
5 **environmental findings, Planning Code Section 302 findings, and findings of**  
6 **consistency with the General Plan and the Priority Policies of Planning Code Section**  
7 **101.1.**

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

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

13 Section 1. Findings.

14 (a) The Planning Department has determined that the actions contemplated in this  
15 ordinance comply with the California Environmental Quality Act (California Public Resources  
16 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
17 Supervisors in File No. 111315 and is incorporated herein by reference.

18 (b) Pursuant to Planning Code Section 302, this Board finds that the actions  
19 contemplated in this ordinance will serve the public necessity, convenience, and welfare for  
20 the reasons set forth in Planning Commission Resolution No. 18550 and the Board  
21 incorporates such reasons herein by reference. A copy of Planning Commission Resolution  
22 No. 18550 is on file with the Clerk of the Board of Supervisors in File No. 111315.

23 (c) This Board finds that the actions contemplated in this ordinance are consistent with  
24 the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons  
25 set forth in Planning Commission Resolution No. 18550 and the Board hereby  
incorporates such reasons herein by reference.

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
2 713, to read as follows:

3 **SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**

4 **ZONING CONTROL TABLE**

5

No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
6 <b>Retail Sales and Services</b>					
7 713.61	8 Automobile Sale or 9 Rental	§ 790.12	<u>C</u>		

10  
11  
12  
13

14 Section 3. This section is uncodified.

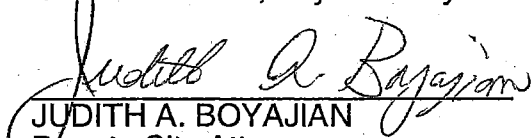
15 In enacting this ordinance, the Board intends to amend only those words, phrases,  
16 paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams or any  
17 other constituent part of the Planning Code that are explicitly shown in this legislation as  
18 additions, deletions, Board amendment additions, and Board amendment deletions in  
19 accordance with the "Note" that appears under the official title of the legislation. This  
20 ordinance shall not be construed to effectuate any unintended amendments. Any additions or  
21 deletions not explicitly shown as described above, omissions, or other technical and non-  
22 substantive differences between this ordinance and the Planning Code that are contained in  
23 this legislation are purely accidental and shall not effectuate an amendment to the Planning  
24 Code. The Board hereby authorizes the City Attorney, in consultation with affected City  
25 departments, to make those necessary adjustments to the published Planning Code, including

1 non-substantive changes such as renumbering or relettering, to ensure that the published  
2 version of the Planning Code is consistent with the laws that this Board enacts.  
3

4 Section 4. Effective Date. This ordinance shall become effective 30 days from the  
5 date of passage.  
6

7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By:

  
10 JUDITH A. BOYAJIAN  
Deputy City Attorney

**LEGISLATIVE DIGEST**

[Planning Code - Automobile Sale or Rental in NC-S Districts]

**Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

**Existing Law**

The Zoning Control Table of Planning Code Section 713 sets forth the controls and use provisions for NC-S (Neighborhood Commercial Shopping Center) Districts. Section 713.61 of the Table does not currently allow an Automobile Sale or Rental use.

**Amendments to Current Law**

Section 713.61 of the Zoning Control Table is amended to allow an Automobile Sale or Rental use as a conditional use.

**Background Information**

NC-S Districts are described in Planning Code Section 713.1. They are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and the range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. The NC-S standards and use provisions allow for medium-size commercial uses in low-scale buildings. Some auto uses are currently permitted at the first story. The proposed legislation would add Automobile Sale or Rental as an additional auto use that would be allowed at the first story with a conditional use authorization.

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

December 21, 2011

File No. 111315

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

Dear Mr. Wycko:

On December 6, 2011, Supervisor Elsbernd introduced the following proposed legislation:

**File No. 111315**

Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Miller in cursive.

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

Attachment

c: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

*Exempt from CEQA per CEQA  
Guidelines Section 15060(c)(2)  
and 15378. Non-physical  
exemption.*

*Nannie L. Turrell  
January 5, 2011*



# SAN FRANCISCO PLANNING DEPARTMENT

February 24, 2012

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: **Transmittal of Board File No. 111315; Planning Case No. 2012.0017T**  
**Auto Sales and Rental in NC-S Zoning Districts**  
**Planning Commission Recommendation: *Approval***

Dear Ms. Calvillo and Supervisor Elsbernd

On February 23, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mirkarimi and now cosponsored by Supervisor Wiener.

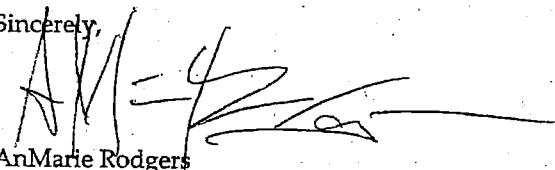
The proposed Ordinance would amend the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

The proposal to amend Planning Code Sections 713.61 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) & 15378 of the CEQA Guidelines.

**At the February 23, 2012 hearing, the Commission adopted Resolution Number 18550 with a recommendation of approval to the Board of Supervisors for the proposed ordinance.**

The Department recommends that the legislative sponsors advise the City Attorney at your earliest convenience if you wish to incorporate any changes recommended by the Commission. One hard-copy is being delivered to the Clerk of the Board for the official record. This electronic copy is our transmittal. Per Ordinance Number 316-10, the Planning Department provides only one hard-copy of this report and provides e-copies to other parties. Additional hardcopies may be provided upon request. Attached are documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

  
AnMarie Rodgers  
Manager of Legislative Affairs

cc: Supervisor Elsbernd

Attachments [one copy of each of the following]  
Planning Commission Resolution Number 18550  
Exhibit A Draft Ordinance  
Planning Commission Executive Summary





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18550

HEARING DATE: FEBRUARY 23, 2012

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Amendments relating Automobile Sale and Rental in NC-S Zoning Districts  
*Case Number:* 2012.0017T [Board File No. 11-1315]  
*Initiated by:* Supervisor Elsbernd/ Introduced December 6, 2011  
*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**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 713.61 TO ALLOW AN AUTOMOBILE SALE OR RENTAL USE IN NEIGHBORHOOD COMMERCIAL SHOPPING CENTER (NC-S) DISTRICTS AS A CONDITIONAL USE.

### PREAMBLE

Whereas, on December 6, 2011, Supervisor Elsbernd introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-1315, which would amend San Francisco Planning Code, Section 713.61 to allow an automobile sale or rental use in NC-S (Neighborhood Commercial Shopping Center) Districts as a conditional use;

Whereas on December 21, 2011, the Clerk of the Board transmitted the proposed Ordinance, File Number 11-1315, to the Planning Department; and,

Whereas, on February 23, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) & 15378 ; and

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

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

Whereas, the Commission has reviewed the proposed Ordinance;

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

## **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. Because NC-S Districts typically include large surface parking lots and focus on car-oriented shoppers, the Commission finds that auto sales and rental is a compatible use within NC-S Districts.
2. Not every NC-S District or property is suitable for automobile sales or rental, which is why requiring Conditional Use authorization for this use is essential to ensuring that each proposal is considered on a case-by-case basis.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### **I. COMMERCE & INDUSTRY ELEMENT**

#### **OBJECTIVE 6**

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

#### **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.

#### **POLICY 6.10**

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed ordinance would help strengthen the vitality of NC-S Districts by allowing more diversity in the types of services and goods offered in the district. Allowing car sales or rental could also foster small business enterprise and entrepreneurship by making it possible for an entrepreneur to develop a business model for car sales or rental that is uniquely suited to NC-S zoning, and which does not currently exist in the City.

4. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will allow for greater diversity of uses in NC-S Zoning Districts that are also compatible with the NC-S Zoning Districts. Allowing for a greater diversity of uses will strengthen the viability of the districts and help preserve and enhance neighborhood-serving retail uses as well as create opportunities for employment in or ownership of such businesses in NC-S Districts.*

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

*While housing is permitted in NC-S Districts, it is not typically found there. The proposed legislation requires the Planning Commission to review each proposed automobile sales and rental use on a case-by-case basis through the Conditional Use process. This will help ensure that neighborhood character is conserved and protected.*

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

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 23, 2012

Linda Avery  
Commission Secretary

AYES: Commissioners Moore, Sugaya, Antonini, Fong, Miguel, Borden, Wu

NAYS: None

ABSENT: None

ADOPTED: February 23, 2012



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Change HEARING DATE: FEBRUARY 23, 2012

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

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

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) make 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:

Automobile Sale or Rental, defined by Planning Code Section 790.12, is not permitted in the NC-S (Neighborhood Commercial Shopping District) Zoning District.

#### The Way It Would Be:

The proposed ordinance would allow Automobile Sale or Rental with Conditional Use authorization in NC-S Zoning Districts.

### 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

Neighborhood Commercial Shopping Center (NC-S) Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street. There are 12 areas of the city, encompassing 28 properties, that are zoned NC-S. These areas are spread fairly evenly throughout the City. A map of NC-S zoned properties is included in your packet.

Given the typical physical layout of properties zoned NC-S, which usually includes large surface parking lots, and that the district is intended for car-oriented shoppers, the Department finds that allowing automobile sales and rental through a Conditional Use authorization could be compatible with NC-S Districts. Not every NC-S District is suitable for automobile sales or rental, which is why requiring Conditional Use authorization for this use is essential to ensuring that each proposal is considered on a case-by-case basis.

### ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Sections 713.61 to allow automobile sale or rental uses in NC-S Districts as a Conditional Use would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) & 15378 of the CEQA Guidelines.

### PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments from the general public pertaining to this ordinance.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval with Modification</b>
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#### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 11-1315
- Exhibit C: Map of properties zoned NC-S