



SAN FRANCISCO PLANNING DEPARTMENT

June 19, 2015

Ms. Angela Calvillo, Clerk
Honorable Supervisor Yee
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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CA 94103-2479

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Planning
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415.558.6377

**Re: Transmittal of Planning Department Case Number 2015-004022PCA&MAP:
Rezoning Properties on Ocean Avenue
Board File No. 150271
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Yee,

On June 18, 2015, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider a proposed ordinance that amends the Zoning Map to rezone properties along the south side of Ocean Avenue between Phelan Avenue and Howth Street from RH-2 (Residential, House, Two-Family) and RM-1 (Residential, Mixed, Low Density) to the Ocean Avenue Neighborhood Commercial Transit District (NCT) and include them in the existing Ocean Avenue NCT. The Planning Code would also be amended to reflect the inclusion of these properties into the description and purpose statement of the Ocean Avenue NCT. The proposed Ordinance was introduced by Supervisor Yee. At the hearing, the Planning Commission recommended approval.

The Department determined that the proposed amendments are not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Planning 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 D. Starr", with a long horizontal line extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

Transmittal Materials

**CASE NO. 2015-004022PCA&MAP
Rezoning Properties on Ocean Avenue**

cc:

Andrea Ruiz-Esquide, Deputy City Attorney
Jen Low, Aide to Supervisor Yee
Andrea Ausberry, Board of Supervisors

Attachments:

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution 19393

HEARING DATE: JUNE 18, 2015

Date: June 11, 2015
Project Name: **Rezoning Properties on Ocean Avenue**
Case Number: 2015-004022PCA MAP [Board File 150271]
Initiated by: Supervisor Yee / Re-Introduced June 2, 2015
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org
Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE ZONING MAP SHEET ZN12 OF THE CITY AND COUNTY OF SAN FRANCISCO TO REZONE PROPERTIES ALONG THE SOUTH SIDE OF OCEAN AVENUE BETWEEN PHELAN AVENUE AND HOWTH STREET FROM RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) AND RM-1 (RESIDENTIAL, MIXED, MODERATE DENSITY) TO THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND INCLUDE THEM IN THE EXISTING OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT; AMEND THE PLANNING CODE TO REFLECT THE INCLUSION OF THESE PROPERTIES INTO THE DESCRIPTION AND PURPOSE STATEMENT OF THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, PLANNING CODE SECTION 302, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on June 2, 2015, Supervisor Yee re-introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150271 that would amend the Zoning Map Sheet ZN12 of the City and County of San Francisco to rezone properties along the south side of Ocean Avenue between Phelan Avenue and Howth Street from RH-2 (Residential, House, Two-Family) and RM-1 (Residential, Mixed, Low Density) to the Ocean Avenue Neighborhood Commercial Transit District (NCT) and include them in the existing Ocean Avenue NCT; to amend the Planning Code to reflect the inclusion of these properties into the description and purpose statement of the Ocean Avenue NCT; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, Planning Code Section 302 and the eight priority policies of Planning Code, Section 101.1.; and

Whereas, on June 18, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and recommended approval with modifications of the proposed Ordinance; and

Whereas, the Planning Department (hereinafter Department) determined that the Project was not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment; 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, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval 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. Extending the Ocean Avenue NCT to properties along the south side of Ocean Avenue, between Phelan Avenue and Howth Street, is beneficial to the surrounding neighborhood as it encourages a larger range of non-residential uses to locate in an area that is very well served by public transit.
2. Because the Ocean Avenue NCT relaxes residential density controls, its extension to properties along the south side of Ocean Avenue, between Phelan Avenue and Howth Street, is advantageous to the City as it will help meet housing demand in an area that is very well served by public transit and in close proximity to an existing retail corridor.
3. **General Plan Compliance.** The proposed Ordinance is 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 6.5

Discourage the creation of major new commercial areas except in conjunction with new supportive residential development and transportation capacity

Policy 6.6

Adopt specific zoning districts, which conform to a generalized neighborhood commercial land use and density plan.

The proposed Ordinance will extend the Ocean Avenue NCT to parcels immediately to the east. These parcels are largely residential and adjacent to multiple public transit lines. Extending the Ocean Avenue NCT also conforms to the generalized neighborhood commercial land use and density plan published in the General Plan.

HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING

Policy 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

Extending the Ocean Avenue NCT will allow greater flexibility in the number and size of units within established building envelopes.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The proposed rezoning will allow for greater growth within the Ocean Avenue corridor without substantially and adversely impacting existing neighborhood character as the height and bulk controls will remain unchanged.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

The extension of the Ocean Avenue NCT to parcels to the east will allow additional housing to be developed along a major transit and commercial corridor. This new housing will not be required to have any parking, making it likely that future residents will rely on transit, bicycling or walking as principal means of movement.

BALBOA PARK STATION AREA PLAN

OBJECTIVE 1.1

INTEGRATE THE DIVERSE USES IN THE PLAN AREA AROUND THE COMMERCIAL SPINE AND TRANSIT NODE

Policy 1.1.1

Strengthen the link between transportation and land use.

Because the Ocean Avenue NCT does not require off-street parking for any use or activity, the use of alternative modes of transportation, including walking, bicycling and public transit, are encouraged. This strengthens the link between transportation and land use.

OBJECTIVE 1.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Policy 1.2.2

Encourage mixed-use residential and commercial infill within the commercial district.

Extending the Ocean Avenue NCT allows the existing properties to be redeveloped over time as mixed use properties.

OBJECTIVE 3.1

ESTABLISH PARKING STANDARDS AND CONTROLS THAT PROMOTE QUALITY OF PLACE,
AFFORDABLE HOUSING AND TRANSIT-ORIENTED DEVELOPMENT

Policy 3.1.1

Provide flexibility for new residential development by eliminating minimum off-street parking requirements and establishing reasonable parking caps.

The Ocean Avenue NCT does not require off-street parking for any use and establishes maximum allowed amounts. This will provide flexibility for new residential development.

4. The proposed 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 a greater range of neighborhood-serving retail to locate along Ocean Avenue, thereby enhancing the existing retail corridor and providing opportunities for resident employment and ownership of such businesses.

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

The proposed Ordinance will allow greater density within existing height and bulk limitations, helping to meet the City's housing demand while preserving existing neighborhood character.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 18, 2015.

Jonas P Ionin
Commission Secretary

AYES: Commissioners Antonini, Hillis, Moore, Richards, Wu

NAYS:

ABSENT: Commissioners Fong, Johnston

ADOPTED: June 18, 2015



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code and Zoning Map Amendments

HEARING DATE: JUNE 18, 2015

Date: June 11, 2015
Project Name: **Rezoning Properties on Ocean Avenue**
Case Number: 2015-004022PCA MAP [Board File 150271]
Initiated by: Supervisor Yee / Re-Introduced June 2, 2015
Staff Contact: Diego R Sánchez – (415) 575-9082
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PLANNING CODE AND ZONING MAP AMENDMENT

The proposed Ordinance would amend the Zoning Map (Sheet ZN12) to rezone properties along the south side of Ocean Avenue between Phelan Avenue and Howth Street from RH-2 (Residential, House, Two-Family) and RM-1 (Residential, Mixed, Low Density) to the Ocean Avenue Neighborhood Commercial Transit District (NCT) and include them in the existing Ocean Avenue NCT. The Planning Code would also be amended to reflect the inclusion of these properties into the description and purpose statement of the Ocean Avenue NCT.

The Way It Is Now:

1. Properties along the south side of Ocean Avenue between Phelan Avenue and Howth Street are zoned RH-2 and RM-1.
2. The RH-2 and RM-1 districts are residential districts that allow only a small range of non-residential uses. They also regulate residential density based on lot area and require off-street parking to be provided at minimum quantities based on particular uses or activities.

The Way It Would Be:

1. Properties along the south side of Ocean Avenue between Phelan Avenue and Howth Street would be zoned Ocean Avenue NCT.
2. The Ocean Avenue NCT would allow a large range of non-residential uses to locate along the south side of Ocean Avenue between Phelan Avenue and Howth Street. Residential density would be regulated by physical envelope controls, including height, bulk, rear yards, front setbacks, open space and exposure. Off-street parking would not be required for any use or activity.

ISSUES AND CONSIDERATIONS

The Purpose of Neighborhood Commercial Transit (NCT) Districts

NCT Districts are relatively new neighborhood commercial districts typically located along or adjacent to public transit lines and infrastructure. They are intended to capture the synergy between existing transit service, retail uses, institutional uses and housing.¹ As with the older Neighborhood Commercial Districts (NCDs), NCT districts are mixed use districts that encourage non-residential uses, including retail and institutional uses, at the street level while prioritizing residential uses at the floors above. Much like the NCDs, the NCT districts also seek to maintain and promote appropriately scaled development. This is done by requiring Conditional Use authorization for new construction or enlargement of existing buildings or the establishment of non-residential uses over specified sizes.² In this way the NCT districts strive to create commercially vibrant and pedestrian friendly corridors.

One distinction of NCT districts is the manner in which residential density is regulated. Older districts rely on individual lot size to restrict the allowed number of dwelling units on a property. For example, the RM-1 district requires at least 800 square feet of lot area for each dwelling unit. On a typical 2,500 square foot lot with a 40 foot height limit, a maximum of three dwelling units are permitted. In NCT districts, density is determined by permitted height and bulk limits; rear yard requirements; open space requirements; and dwelling unit exposure requirements. Using that same typical lot and height limit as described above, and assuming a buildable area of 1,875 square feet, it is possible for two to three units could be built per floor. Assuming only three residential floors, this same typical lot would yield six to nine dwelling units in an NCT district as opposed to three in an RM-1 District. This is done in the same building envelope as the first example with the same visual impact on character and scale.

Another distinction of NCT districts is that off-street parking for any use is not required. Maximum amounts of off-street parking are established and amounts in excess are classified as either a principally permitted or conditional use, depending upon the use provisions applicable to the district in which the parking is located. This is in contrast to many of the older districts, including the RH, RM and many NCDs. In these older districts a minimum amount of off-street parking for each use or activity is required and amounts often exceed what NCT districts would allow.

Mixed Use Development and Proximity to Transit

Integrating multiple uses or activities on one property is an efficient use of land, public infrastructure and resources. This is particularly the case when mixed use properties are located along public transit lines, in proximity to transit stations, or in areas where public transit services crisscross the neighborhood. The mingling of uses brings residents closer to their daily activities and the proximity to transit allows visitors to patronize multiple destinations in one trip. This arrangement lends itself to reduced auto dependency, roadway congestion and corresponding air pollution. It also has the potential to improve the pedestrian and bicycle experience and increase transit ridership.

¹ BF 071157 introduced the first NCT districts to the Planning Code. <https://sfgov.legistar.com/View.ashx?M=F&ID=710873&GUID=68607DFA-EDB2-4A5C-B43D-9DC0A0960A6A>

² Planning Code Sections 121.1 and 121.2 outline these limits for each NCD and NCT.

Areas where mixed use properties abound are often distinguished by a unique character. The typically higher residential densities and varied housing options that accompany mixed use areas contribute to a sense of community. The type and variety of ground floor non-residential uses also contribute to an area's sense of place. In combination these two features often create a village-like feel that, when close to public transit, create an economically sustainable neighborhood.

Mixed use neighborhoods are possible in San Francisco because of the relatively compact form of the City and the operational nature of prevalent nonresidential uses. San Francisco's diminutive lot sizes and liberal lot coverage regulations inherently adjoins different properties and potentially different uses. In the case of neighborhood commercial corridors, land use regulations encourage retail sales and services, professional services and social service uses at the ground floor. These uses typically do not generate hazardous, noxious or offensive conditions that would be incompatible with other uses, including dwelling units. When there are concerns about odors or noise from particular retail uses, Building and Planning Codes require proper attenuation and notice. These are two features of the City that lend themselves to creating mixed use areas and should be capitalized upon.

In light of the benefits of integrating multiple uses on properties, combined with the physical layout of the City, it makes sense to facilitate the growth of mixed use neighborhoods. This can often be done by extending those zoning districts that allow the mixing of uses to adjacent properties. The Ocean Avenue NCT is a district that allows mixed use development and is immediately adjacent to properties in zoning districts that generally do not.

Changing Context and New Development

It is important to note some of the recent investment to the west of the subject properties along Ocean Avenue. In September 2009 the Ingleside Branch Library opened on Ocean Avenue, roughly three blocks from the subject properties. The Library improvement was part of the City's Branch Library Improvement Program (BLIP), the largest capital improvement campaign in the history of the San Francisco Public Library.

Immediately adjacent to the Ingleside Library is the Avalon Ocean Avenue apartment community. Avalon Ocean Avenue provides more than 170 new dwelling units and 30,000 square feet of retail space, featuring a Whole Foods supermarket.

On the south side of Ocean Avenue, across from the Whole Foods, is the new 280 Brighton Avenue mixed use project. This development provides 27 dwelling units as well as space for neighborhood-serving retail and commercial uses.

To the east of the Avalon Ocean Avenue is the 1100 Ocean Avenue affordable housing development. 1100 Ocean Avenue provides 71 units of supportive housing for lower income families and individuals.

The Phelan Loop, between Harold and Phelan Avenue, has also received public investment as part of its improvement. The Phelan Loop serves as a bus terminal for multiple MUNI bus lines, including the 8X, 8BX and 49. In addition, an adjacent space to the Phelan Loop will be made into a public plaza. The public plaza will serve to connect the area's businesses and residents to local schools and MUNI. It will also host community events such as street fairs and farmers' markets.

Long Range Planning Efforts in the Area

The Planning Department has undertaken two long range planning efforts in the area that encompass the subject properties. The first was the Balboa Park Station Area Plan.³ The Plan's objectives and policies are informed by the principles of improving the area's public realm; making the transit experience safer and more enjoyable; and improving the economic vitality of the Ocean Avenue Neighborhood Commercial District.

The second long range planning effort was the Ocean and Geneva Corridor Design Plan.⁴ The goal of this Plan is to improve the pedestrian experience in the Plan area while balancing the needs of the many different users. A relevant aim of the Plan was to improve the visual relationship between the sidewalk and adjacent properties.

REQUIRED COMMISSION ACTION

The Commission may approve, or approve in part, or disapprove the proposed code amendment and map change.

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

The Department supports the rezoning of the properties along the south side of Ocean Avenue between Phelan Avenue and Howth Street from RH-2 and RM-1 districts to the Ocean Avenue NCT because the flexibility the Ocean Avenue NCT land use controls afford can better serve the current users of this stretch of Ocean Avenue. These users include nearby residents as well as the students and faculty of the flagship City College campus.

Extending the Ocean Avenue NCT is advantageous to the area because it allows a wider array of non-residential uses as well as a greater housing density along a burgeoning commercial corridor that is served by local and regional transit. As witnessed by the new development invigorating Ocean Avenue to the west of the subject properties, zoning controls that allow a mix of uses attract investment and help create a sense of place. Further, the subject properties are within walking distance of multiple MUNI bus and street car lines as well as the Balboa BART station.⁵ These conditions are all characteristic of NCT districts, which aim to maximize residential and commercial opportunities on or near major transit service. In this context, it is appropriate to extend the land use controls offered by the Ocean Avenue NCT as a means to continue this place making momentum.

Extending the Ocean Avenue NCT also helps realize the principles in the Balboa Park Station Area Plan as well as the aims of the Ocean and Geneva Corridor Design Plan. In particular, the requirement for

³ http://www.sf-planning.org/ftp/General_Plan/Balboa_Park_Station.htm

⁴ http://www.sf-planning.org/ftp/files/plans-and-programs/in-your-neighborhood/ocean_ave_corridor/OceanAvenueCorridorDesignFinalReport.pdf

⁵ The MUNI lines include the 8X, 8XB, 29, 43, 49 and 54 bus lines and the J, K and L streetcar lines.

active ground floor uses and minimal ceiling heights for ground floor non-residential uses as well as limits to the provision of off-street parking and their entrances adhere to the principles and aims in those Plans. This makes the proposed rezoning a logical step in realizing the Department's long range planning efforts.

ENVIRONMENTAL REVIEW

The proposed Ordinance is not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment.

PUBLIC COMMENT

Planning Department staff received one telephone call and one email in response to the proposed Ordinance. The comments concerned the number and location of properties proposed for rezoning. Planning Department staff clarified that the properties of concern were no longer proposed for rezoning under the proposed Ordinance.

RECOMMENDATION: Recommend Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Properties proposed to be rezoned to the Ocean Avenue NCT
- Exhibit C: Board of Supervisors File No. 150271