

BOARD of SUPERVISORS



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March 6, 2018

File No. 180191

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

Dear Ms. Gibson:

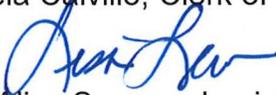
On February 27, 2018, Supervisor Sheehy introduced the following proposed legislation:

**File No. 180191**

**Ordinance amending the Planning Code to permit as of right Public Parking Lot uses where the parcel is located in both the Glen Park Neighborhood Commercial Transit and RH-2 (Residential, House Districts, Two-Family) zoning districts, the property has been used as Public Parking Lot for the past ten years without the benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110 feet; 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

*for* By:  Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

Attachment

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

1 [Planning Code - Public Parking Lot as a Permitted Use in the Glen Park Neighborhood  
2 Commercial Transit District and Adjoining Locations]

3 **Ordinance amending the Planning Code to permit as of right Public Parking Lot**  
4 **uses where the parcel is located in both the Glen Park Neighborhood Commercial**  
5 **Transit and RH-2 (Residential, House Districts, Two-Family) zoning districts, the**  
6 **property has been used as Public Parking Lot for the past ten years without the**  
7 **benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110**  
8 **feet; affirming the Planning Department's determination under the California**  
9 **Environmental Quality Act; making findings of consistency with the General Plan,**  
10 **and the eight priority policies of Planning Code, Section 101.1; and making**  
11 **findings of public necessity, convenience, and welfare pursuant to Planning**  
12 **Code, Section 302.**

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

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

21 Section 1. Environmental and Land Use Findings.

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

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Planning Code Sections 209.1 and 756, to read as follows:

**SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

\* \* \* \*

**Table 209.1**

**ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
<b>NON-RESIDENTIAL STANDARD AND USES</b>						
<b>Automotive Use Category</b>						
Automotive Uses*	§ 102	NP	NP	NP	NP	NP
Parking Garage, Private	§ 102	C	C	C	C	C

1	Parking Lot,	§ 102	C	C	C	C	C
2	Private						
3	<u>Parking Lot, Public</u>	<u>§§ 102, 142,</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P(8)</u>	<u>NP</u>
4		<u>156</u>					

5 \* \* \* \*

6  
7 \* Not listed below.

8 (1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

9 (2) [Note Deleted]

10 (3) C required for seven<sup>7</sup> or more persons.

11 (4) C for five<sup>5</sup> or fewer guest rooms or suites of rooms; NP for six<sup>6</sup> or more  
12 guest rooms.

13 (5) Must be located on a landmark site, and where the site is within a Height  
14 and Bulk District of 40 feet or less, and where a columbarium use has lawfully and  
15 continuously operated since the time of designation.

16 (6) Construction of Accessory Dwelling Units may be permitted pursuant to  
17 Sections 207(c)(4) and 207(c)(5).

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

19 (8) P only for parcels located in both the Glen Park NCT and RH-2 zoning districts  
20 where the property has been used as a Public Parking Lot for the past 10 years without the  
21 benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110 feet.

22  
23 **SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT**  
24 **DISTRICT.**

25 \* \* \* \*

1  
2 **Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
3 **ZONING CONTROL TABLE**  
4

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARD AND USES				
		Controls by Story		
		1st	2nd	3rd+
Automotive Use Category				
Automotive Uses*	§§ 102, 202.2(b)	NP	NP	NP
Automotive Repair	§ 102	C	NP	NP
Automotive Service Station	§§ 102, 187.1, 202.2(b), 202.5	C	NP	NP
Gas Station	§§ 102, 187.1, 202.2(b)	C	NP	NP
Parking Garage, Private	§ 102	C	C	C
Parking Garage, Public	§ 102	C	C	C
Parking Lot, Private	§§ 102, 142, 156	C	C	C
Parking Lot, Public	§§ 102, 142, 156	C <sup>(5)</sup>	C	C

20 \* \* \* \*

21 \* Not listed below

22 (1) C required for ground floor residential use when street frontage is listed in  
23 145.4(b)

24 (2) [Note deleted.]  
25

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

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

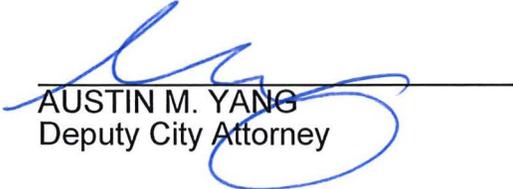
3 (5) P only for parcels located in both the Glen Park NCT and RH-2 zoning districts  
4 where the property has been used as a Public Parking Lot for the past 10 years without the  
5 benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110 feet.

6  
7 Section 3. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
9 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or  
10 the Board of Supervisors overrides the Mayor's veto of the ordinance.

11  
12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of  
13 Supervisors intends to amend only those words, phrases, paragraphs, subsections,  
14 sections, articles, numbers, punctuation marks, charts, diagrams, or any other  
15 constituent parts of the Municipal Code that are explicitly shown in this ordinance as  
16 additions, deletions, Board amendment additions, and Board amendment deletions in  
17 accordance with the "Note" that appears under the official title of the ordinance.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By:

  
22 AUSTIN M. YANG  
Deputy City Attorney

23 n:\legana\as2018\1800425\01255796.docx

## LEGISLATIVE DIGEST

[Planning Code - Public Parking Lot as a Permitted Use in the Glen Park Neighborhood Commercial Transit District and Adjoining Locations]

**Ordinance amending the Planning Code to permit as of right Public Parking Lot uses where the parcel is located in both the Glen Park Neighborhood Commercial Transit and RH-2 (Residential, House Districts, Two-Family) zoning districts, the property has been used as Public Parking Lot for the past 10 years without the benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110 feet; 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

The Planning Code contains use charts that list the types of uses and conditions for each zoning district. For property located in the Glen Park Neighborhood Commercial Transit District (Glen Park NCT), Planning Code Section 756 requires a Conditional Use Authorization for a Public Parking Lot use. For property located in an area zoned Residential, House (RH)-2, Public Parking Lot use is prohibited pursuant to Planning Code Section 209.1.

### Amendments to Current Law

This ordinance modifies the use charts for areas zoned Glen Park NCT and the RH to allow property that straddles the Glen Park NCT and RH-2 zoned areas to use that property as a Public Parking Lot as of right, under certain conditions. To satisfy these conditions, the property must be located in both the Glen Park NCT and RH-2 zoning districts, the property must have been used as a Public Parking Lot for the past 10 years without the benefit of a permit, and the adjoining parcel zoned as RH-2 is no greater than 40 feet by 110 feet.

### Background Information

In and around the Glen Park NCT, a property may straddle both the Glen Park NCT and RH-2 districts. Where this occurs, the use charts for the Glen Park NCT and RH provide different and conflicting controls. For example, in the Glen Park NCT Public Parking Lots require a Conditional Use Authorization. In areas zoned RH-2, however, Public Parking Lots are prohibited. This amendment clarifies that where property is located in both the Glen Park NCT and RH-2 districts, and meets other conditions, the property may be used as a Public Parking Lot.