

File No. 170418 Committee Item No. 4
 Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 2, 2017

Board of Supervisors Meeting Date OCTOBER 24, 2017
 Cmte Board

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Completed by: Erica Major Date September 29, 2017
 Completed by: Erica Major Date 10/04/2017

1 [Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood
2 Commercial Districts; Technical and Other Amendments]

3 **Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue**
4 **Neighborhood Commercial District (“Pacific NCD”) and the Polk Street Neighborhood**
5 **Commercial District (“Polk NCD”); 2) limit the size of Non-Residential Uses in the**
6 **Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain**
7 **size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground**
8 **floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5)**
9 **modify residential and non-residential off-street parking requirements in the Pacific**
10 **NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to**
11 **off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk**
12 **NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months**
13 **of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the**
14 **Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in**
15 **the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11)**
16 **prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the**
17 **Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition,**
18 **merger, or conversion and allow division if it meets a dwelling unit mix requirement in**
19 **the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before**
20 **replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and**
21 **simplify language in other Planning Code Sections; affirming the Planning**
22 **Department’s determination under the California Environmental Quality Act; and**
23 **making findings of consistency with the General Plan, and the eight priority policies of**
24 **Planning Code, Section 101.1, and findings of public convenience, necessity, and**
25 **welfare under Planning Code, Section 302.**

1 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
2 **Additions to Codes** are in *single-underline italics Times New Roman font*.
3 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
4 **Board amendment additions** are in double-underlined Arial font.
5 **Board amendment deletions** are in ~~strikethrough Arial font~~.
6 **Asterisks (* * * *)** indicate the omission of unchanged Code
7 subsections or parts of tables.

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

9 Section 1. Findings.

10 (a) The Planning Department has determined that the actions contemplated in this
11 ordinance are categorically exempt from environmental review under Sections 15060(c) and
12 15378 of the California Environmental Quality Act (California Public Resources Code Sections
13 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File
14 No. 1700418 and is incorporated herein by reference. The Board affirms this determination.

15 (b) On July 13, 2017, the Planning Commission, in Resolution No. 19959, adopted
16 findings that the actions contemplated in this ordinance are consistent, on balance, with the
17 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
18 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
19 Board of Supervisors in File No. 1700418, and is incorporated herein by reference.

20 (c) On July 13, 2017, the Planning Commission, in Resolution No. 19959, approved
21 this legislation, recommended it for adoption by the Board of Supervisors, and adopted
22 findings that it will serve the public necessity, convenience, and welfare. Pursuant to Planning
23 Code Section 302, the Board adopts these findings as its own. A copy of said Resolution is
24 on file with the Clerk of the Board of Supervisors in File No. 1700418, and is incorporated by
25 reference herein.

1 Section 2. This section is uncodified. The provisions of this ordinance shall not apply to
2 a project that has received all approvals required under Planning Code Section 305 from the
3 Planning Department by or before December 31, 2017 and the approvals are final. For this
4 purpose, "final" means an approval action under Section 305 that has been completed by the
5 Department and has not been appealed to the Board of Appeals within the appeal period
6 established by Section 8 of the Business and Tax Regulations Code.

7
8 Section 32. The Planning Code is hereby amended by revising Sections 121.1, 121.2,
9 121.7, and 145.4, to read as follows:

10 **SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL**
11 **DISTRICTS.**

12 (a) **Purpose.** In order to promote, protect, and maintain a scale of development
13 which is appropriate to each district and compatible with adjacent buildings, new construction
14 or significant enlargement of existing buildings on lots of the same size or larger than the
15 square footage stated in the table below shall be permitted only as Conditional Uses.

16
17

District	Lot Size Limits
<i>Pacific Avenue</i> <i>Polk Street</i>	<i>2,500 sq. ft.</i>
NC-1, NCT-1 24th Street-Mission 24th Street-Noe Valley Broadway Castro Street	5,000 sq. ft.

1	Glen Park	
2	Haight Street	
3	Inner Clement Street	
4	Inner Sunset	
5	Irving Street	
6	Judah Street	
7	Noriega Street	
8	North Beach	
9	Outer Clement Street	
10	Sacramento Street	
11	Taraval Street	
12	Union Street	
13	Upper Fillmore Street	
14	West Portal Avenue	
15	NC-2, NCT-2	10,000 sq. ft.
16	NC-3, NCT-3	
17	Divisadero Street	
18	Excelsior Outer Mission Street	
19	Fillmore Street	
20	Folsom Street	
21	Hayes-Gough	
22	Japantown	
23	Mission Street	
24	Ocean Avenue	

25

1	<i>Pacific Avenue</i>	
2	<i>Polk Street</i>	
3	Regional Commercial District	
4	SoMa	
5	Upper Market Street	
6	Valencia Street	
7	NC-S	Not Applicable

8 * * * *

9 **SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL**
10 **AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.**

11 * * * *

12 (b) In order to protect and maintain a scale of development appropriate to each
13 district, Non- Residential Uses that exceed the square footage stated in the table below shall
14 not be permitted, except in the following circumstances:

15 (1) In the Castro Street Neighborhood Commercial District, a Child Care
16 Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service
17 or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in
18 Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may
19 exceed this Subsection 121.2(b) with Conditional Use authorization.

20 (2) In the Regional Commercial District, Schools and Childcare Facilities as
21 defined in Section 102 may exceed this Subsection 121.2(b) with Conditional Use
22 authorization.

23 (3) In the Polk Street Neighborhood Commercial District, this subsection 121.2(b)
24 shall not apply to a Movie Theater use as defined in Section 102 of this Code.
25

1 The use area shall be measured as the Gross Floor Area for each individual Non-
2 Residential use.

District	Use Size Limits
West Portal Avenue North Beach Castro Street <i>Polk Street</i> <i>Pacific Avenue</i>	4,000 sq. ft.
Regional Commercial District	25,000 square feet

10
11 **SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON**
12 **PEDESTRIAN-ORIENTED STREETS.**

13 In order to promote, protect, and maintain a fine-grain scale of development in
14 residential districts and on important pedestrian-oriented commercial streets which is
15 appropriate to each district, compatible with adjacent buildings; provide for a diverse
16 streetscape; ensure the maintenance and creation of multiple unique buildings and building
17 frontages rather than large single structures superficially treated; promote diversity and
18 multiplicity of land ownership and discourage consolidation of property under single
19 ownership, merger of lots is regulated as follows:

20 (a) In RTO Districts, merger of lots creating a lot greater than 5,000 square feet
21 shall not be permitted except according to the procedures and criteria in subsections (d) and
22 (e) below.

23 (b) In those NCT, NC and Mixed Use Districts listed below, merger of lots resulting
24 in a lot with a single street frontage greater than that stated in the table below on the specified
25

streets or in the specified Districts is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

Street or District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
RED and RED-MX	50 feet
Church Street, from Duboce to 16th Street	100 feet
Divisadero Street NCT except for the east and west blocks between Oak and Fell, Fillmore Street NCT, Folsom Street NCT, RCD, WMUG, WMUO, and SALI	100 feet
Market, from Octavia to Noe	150 feet
Ocean Avenue in the Ocean Avenue NCT	See subsection (e)
Inner and Outer Clement NCDs	50 feet
North Beach NCD and SUD, <i>and</i> Telegraph Hill-North Beach Residential SUD, <i>Polk Street NCD, and Pacific Avenue NCD*</i>	25 feet*
NC-2 districts on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue	50 feet

* For lots that do not have street frontage, the merger would not result in a lot with a width greater than 25 feet.

* * * *

SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose.** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section 145.4 apply to the following street frontages.

* * * *

(25) Post Street, between Fillmore Street and Laguna Street on the south side and between Webster Street and Laguna Street on the north side; *and*

(26) Divisadero Street for the entirety of the Divisadero Street NCT District;

1 (27) The entirety of the North Beach Neighborhood Commercial District and North
2 Beach Special Use District;

3 (28) Any street frontage that is in the Polk Street Neighborhood Commercial District; and,

4 (29) Pacific Avenue, between Van Ness Avenue and Jones Street, on lots where the last
5 known ground floor use was a commercial or retail use.

6 (c) **Definitions.**

7 "Active commercial uses" shall include those uses specifically identified below in
8 Table 145.4, and:

9 (1) Shall not include Automotive Uses except for Automobile Sale or Rental
10 uses where curb-cuts, garage doors, or loading access are not utilized or proposed, and such
11 sales or rental activity is entirely within an enclosed building and does not encroach on
12 surrounding sidewalks or open spaces;

13 (2) Shall include Public Facilities as defined in Section 102 and ~~a~~ Public Uses, as
14 defined in Section 890.80, except for Utility Installations; and

15 (3) Shall not include Residential Care Facilities as defined in Sections 102 and
16 890.50.

17 * * * *

18
19 Section ~~4~~ 3. The Planning Code is hereby amended by revising Sections 151, 151.1,
20 and 155, to read as follows:

21 **SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.**

22 (a) **Applicability.** Off-street parking spaces shall be provided in the minimum
23 quantities specified in Table 151, except as otherwise provided in Section 151.1 and Section
24 161 of this Code. Where the building or lot contains uses in more than one of the categories
25 listed, parking requirements shall be calculated in the manner provided in Section 153 of this

Code. Where off-street parking is provided which exceeds certain amounts in relation to the quantities specified in Table 151, as set forth in subsection (c), such parking shall be classified not as accessory parking but as either a ~~P~~Principal or a Conditional Use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a Conditional Use for any such parking, due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 303(t) or 303(u) of this Code. Minimum off-street parking requirements shall be reduced, to the extent needed, when such reduction is part of a Development Project's compliance with the Transportation Demand Management Program set forth in Section 169 of ~~the Planning~~ this Code.

(b) Minimum Parking Required.

Table 151 OFF-STREET PARKING SPACES REQUIRED	
Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each Dwelling Unit.
Dwelling, in the Telegraph Hill - North Beach Residential Special Use District	None required. P up to three cars <u>0.5 parking spaces</u> for each four Dwelling Units; <u>subject to the controls and procedures of Section 249.49(c) and Section 155(t); C up to one car for each Dwelling Unit, subject to the criteria and procedures of Section 303(u); NP above preceding ratio.</u>
<u>Dwelling, in the Polk Street Neighborhood Commercial District</u>	<u>None required. P up to 0.5 cars for each Dwelling Unit; NP above preceding ratio.</u>
<u>Dwelling, in the Pacific Avenue Neighborhood Commercial District</u>	<u>None required. P up to 0.5 cars for each Dwelling Unit; C up to one car for each Dwelling Unit; NP above preceding ratios.</u>
* * * *	* * * *

1 * * * *

2 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
3 **SPECIFIED DISTRICTS.**

4 (a) **Applicability.** This Section 151.1 shall apply only to NCT, RC, RCD, RTO, Mixed
5 Use, M-1, PDR-1-D, PDR-1-G, and C-3 Districts, and to the Broadway, Excelsior Outer
6 Mission Street, Japantown, *and* North Beach, Polk, and Pacific Neighborhood Commercial
7 Districts.

8 * * * *

9 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-**
10 **STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.**

11 Required off-street parking and freight loading facilities shall meet the following
12 standards as to location and arrangement. In addition, facilities which are not required but are
13 actually provided shall meet the following standards unless such standards are stated to be
14 applicable solely to required facilities. In application of the standards of this Code for off-street
15 parking and loading, reference may be made to provisions of other portions of the Municipal
16 Code concerning off-street parking and loading facilities, and to standards of the Better
17 Streets Plan and the Bureau of Engineering of the Department of Public Works. Final authority
18 for the application of such standards under this Code, and for adoption of regulations and
19 interpretations in furtherance of the stated provisions of this Code shall, however, rest with the
20 Planning Department.

21 * * * *

22 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
23 order to preserve the pedestrian character of certain downtown and neighborhood commercial
24 districts and to minimize delays to transit service, regulation of garage entries, driveways or
25 other vehicular access to off-street parking or loading (except for the creation of new publicly-

1 accessible Streets and Alleys) ~~shall be regulated~~ on development lots shall be as follows on the
2 following street frontages:

3 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except
4 as set forth in Section 827.

5 (2) Not permitted:

6 * * * *

7 (GG) Polk Street between Filbert Street and Golden Gate Avenue.

8 (HH) California Street between Van Ness Avenue and Hyde Street.

9 (II) Hyde Street between California Street and Pine Street.

10 (JJ) Broadway between Van Ness Avenue and Larkin Street.

11 (KK) Bush Street between Van Ness Avenue and Larkin Street, and

12 (LL) Pine Street between Van Ness Avenue and Larkin Street.

13 * * * *

14 (§ 4) Parking and Loading Access.

15 * * * *

16
17 Section 5 4. The Planning Code is hereby amended by revising Section 186.1, to read
18 as follows:

19 **SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD**
20 **COMMERCIAL DISTRICTS.**

21 * * * *

22 (d) **Discontinuance.** A nonconforming use that is discontinued for a period of three
23 years, or otherwise abandoned or changed to another use that is listed in Article 7 of this
24 Code as a ~~p~~Principal or ~~e~~Conditional ~~u~~Use for the district in which the use is located shall not
25 be reestablished, except ~~for~~ in the following instances:

1 (1) In the North Beach, Polk Street, Castro Street, and Haight Street
2 Neighborhood Commercial Districts the period of non-use for a nonconforming use to be
3 deemed discontinued shall be 18 months.

4 * * * *

5
6 Section 65. The Planning Code is hereby amended by revising Sections 207.6 and
7 207.8, to read as follows:

8 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR, ~~AND~~**
9 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, *THE POLK STREET AND PACIFIC***
10 ***AVENUE NEIGHBORHOOD COMMERCIAL DISTRICTS.***

11 (a) **Purpose.** In order to foster flexible and creative infill development while
12 maintaining the character of the district, dwelling unit density is not controlled by lot area in
13 RTO, NCT, and Eastern Neighborhoods Mixed Use Districts but rather by the physical
14 constraints of this Code (such as height, bulk, setbacks, open space, and dwelling unit
15 exposure). However, to ensure an adequate supply of family-sized units in existing and new
16 housing stock, new residential construction must include a minimum percentage of units of at
17 least two bedrooms. In the *Pacific Avenue and Polk Street Neighborhood Commercial Districts, a*
18 *dwelling unit mix requirement addresses the need for family-sized housing production in these districts.*

19 (b) **Applicability.**

20 (1) This Section shall apply in the RTO, RCD, NCT, DTR, ~~and~~ Eastern
21 Neighborhoods Mixed Use Districts, and the *Pacific Avenue and Polk Street NCDs.*

22 * * * *

23 (c) **Controls.** For all RTO, RCD and NCT districts, as well as DTR, ~~and~~ Eastern
24 Neighborhoods Mixed Use Districts and the *Pacific Avenue and Polk Street NCDs,* one of the
25 following three must apply:

1 (1) no less than 40% of the total number of proposed Dwelling Units shall contain
2 at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the
3 nearest whole number of Dwelling Units, or

4 (2) no less than 30% of the total number of proposed Dwelling Units shall contain
5 at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the
6 nearest whole number of Dwelling Units, or

7 (3) no less than 35% of the total number of proposed Dwelling Units shall contain
8 at least two or three bedrooms with at least 10% of the total number of proposed Dwelling
9 Units containing three bedrooms. Any fraction resulting from this calculation shall be rounded to
10 the nearest whole number of Dwelling Units.

11 (d) **Modifications.**

12 (1) In NCT, RCD, ~~and~~ RTO and the Pacific Avenue and Polk Street NC Districts, these
13 requirements may be waived or modified with Conditional Use Authorization. In addition to
14 those conditions set forth in Section 303, the Planning Commission shall consider the
15 following criteria:

16 (A) The project demonstrates a need or mission to serve unique populations,
17 or

18 (B) The project site or existing building(s), if any, feature physical constraints
19 that make it unreasonable to fulfill these requirements.

20 * * * *

21 (e) **Monitoring.** The Department shall monitor projects that choose Option (2 B) or (3
22 C) in subsection (c)(2) above and shall include that data in the annual Housing Inventory
23 starting in 2019.

24 **SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO, POLK STREET NCD, PACIFIC**
25 **AVENUE NCD, UPPER MARKET NCD, AND NCT DISTRICTS.**

1 In order to ensure an adequate supply of family-sized units in existing and new housing
2 stock, the subdivision of existing units is restricted. The division of any existing ~~a~~Dwelling
3 ~~#~~Unit into two or more units in RTO, Polk Street NCD, Pacific Avenue NCD ~~Upper Market NCD~~,
4 and NCT districts shall be permitted only if it meets both of the following conditions:

5 (a) The existing unit exceeds 2,000 occupied square feet or contains more than 3
6 bedrooms; and

7 (b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square
8 feet in size.

9
10 Section 7 6. The Planning Code is hereby amended by revising Section 303, to read
11 as follows:

12 **SEC. 303. CONDITIONAL USES.**

13 (a) **General.** The Planning Commission shall hear and make determinations
14 regarding applications for the authorization of Conditional Uses in the specific situations in
15 which such authorization is provided for elsewhere in this Code. The procedures for
16 Conditional Uses shall be as specified in this Section 303 and in Sections 306 through 306.6,
17 except that Planned Unit Developments shall in addition be subject to Section 304, Hospitals
18 and Post-Secondary Educational Institutions shall in addition be subject to the Institutional
19 Master Plan requirements of Section 304.5.

20 * * * *

21 (f) **Conditional Use Abatement.** The Planning Commission may consider the
22 possible revocation of a Conditional Use or the possible modification of or placement of
23 additional conditions on a Conditional Use when the Planning Commission determines, based
24 upon substantial evidence, that the applicant for the Conditional Use had submitted false or
25 misleading information in the application process that could have reasonably had a substantial

1 effect upon the decision of the Commission or the Conditional Use is not in compliance with a
2 eCondition of aApproval, is in violation of law if the violation is within the subject matter
3 jurisdiction of the Planning Commission, or operates in such a manner as to create
4 hazardous, noxious, or offensive conditions enumerated in Section 202(c) if the violation is
5 within the subject matter jurisdiction of the Planning Commission and these circumstances
6 have not been abated through administrative action of the Director, the Zoning Administrator
7 or other City authority. Such consideration shall be the subject of a public hearing before the
8 Planning Commission but no fee shall be required of the applicant or the subject Conditional
9 Use operator.

10 * * * *

11 (o) **Eating and Drinking Uses.** With regard to a Conditional Use authorization
12 application for a Restaurant, Limited-Restaurant and Bar uses the Planning Commission shall
13 consider, in addition to the criteria set forth in Ssubsection (c) above, the existing
14 concentration of eating and drinking uses in the area. Such concentration should not exceed
15 25% percent of the total commercial frontage as measured in linear feet within the immediate
16 area of the subject site except as otherwise provided in this subsection (o). The concentration of
17 eating and drinking uses in the Polk Street Neighborhood Commercial District shall not exceed 35% of
18 the total commercial frontage as measured in linear feet within the immediate area of the subject site.

19 For the purposes of this Section 303 of the Code, the immediate area shall be defined as all
20 properties located within 300' of the subject property and also located within the same zoning
21 district.

22 * * * *

23
24 Section 87. The Planning Code is hereby amended by revising Sections 723 and 726,
25 to read as follows:

1 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 (a) Background. Sitting in the gulch between Nob and Russian Hills and Pacific
3 Heights, the Polk Street Neighborhood Commercial District extends for a mile as a north-
4 south linear strip, and includes a portion of Larkin Street between Post and California Streets.
5 Polk Street's dense mixed-use character consists of buildings with residential units above
6 ground-story commercial use. The district has an active, pedestrian-oriented, and continuous
7 commercial frontage along Polk Street for almost all of its length. Larkin Street and side
8 streets in the district have a greater proportion of residences than Polk Street itself. California
9 Street and Hyde Street also have active, pedestrian-oriented, and commercial frontage that is small-
10 scale. The district is well served by transit and includes the historic California Cable Car. To preserve
11 and maintain the district's small-scale, fine grain storefronts, the consolidation or merger of existing
12 retail or commercial spaces or storefronts is prohibited and lot mergers are controlled. The district
13 provides convenience goods and services to the residential communities in the Polk Gulch
14 neighborhood and to the residents on the west slopes of Nob and Russian Hills. It has many
15 apparel and specialty stores, as well as some automobile uses, which serve a broader trade
16 area. Commercial uses also include offices, as well as movie theaters, restaurants, and bars
17 which keep the district active into the evening.

18 (b) Controls.

19 (1) Purposes. The Polk Street District controls are designed to encourage and
20 promote development ~~which~~ that is compatible with the surrounding neighborhood. The
21 building standards monitor large-scale development and protect rear yards at residential
22 levels. Consistent with Polk Street's existing mixed-use character, new buildings may contain
23 most commercial uses at the ~~f~~First two stories Story. The controls encourage neighborhood-
24 serving businesses, but limit new eating, drinking, other entertainment, and financial service
25 uses, which can produce parking congestion, noise, and other nuisances or displace other

1 types of local-serving convenience goods and services. They also prohibit new adult
2 entertainment uses. Restrictions on drive-up and most automobile uses protect the district's
3 continuous retail frontage and prevent further traffic congestion.

4 Housing developed in new buildings is encouraged above the ~~second~~ First sStory,
5 especially in the less intensely developed portions of the district along Larkin Street and on
6 large lots throughout the district. New housing development requires 40% or more two-bedroom plus
7 units to encourage families to live in the district. Parking is limited in new developments given the
8 district's transit access and the proximity to bus rapid transit along Van Ness Avenue parallel to the
9 district. Existing housing units are protected by limitations prohibitions on demolitions and
10 upper-story conversions. Accessory dDwelling #Units are permitted within the district pursuant
11 to Subsection 207(c)(4) of this Code.

12 **(2) Replacement of a Legacy Business Requires Conditional Use Authorization.**

13 Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section
14 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization;
15 this requirement shall not apply where: (A) the subject non-residential space has had no occupant and
16 has not been open to the public for three or more years from the date the application for the new use is
17 filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the
18 Legacy Business Registry.

19 **(3) Merger of Storefronts Prohibited.** To preserve and maintain the district's small-
20 scale, fine grain storefronts, the consolidation or merger of existing ground floor retail or commercial
21 spaces or storefronts shall be prohibited.

22 **(4) Loss of Residential Units.** To prevent the loss of existing Residential Units, the
23 removal, demolition, merger, or conversion of Residential Units above the First Story are prohibited
24 even if such loss of Residential Units would otherwise be allowed pursuant to Section 317 of this Code.

1 Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

2 ZONING CONTROL TABLE

		Poik Street NCD
Zoning Category	§ References	Controls
BUILDING STANDARDS		
Street Frontage and Public Realm		
* * * *	* * * *	* * * *
Lot Size (Per Development)	§§ 102, 121.1	P up to 9,999 <u>2,499</u> square feet; C 10,000 <u>2,500</u> square feet and above
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	60 square feet per unit if private, or 80 square feet per unit if common
Off-Street Parking Requirements	§§ 145.1, 150, 151, 153 - 156, 159 - 161, 166, 204.5	<i>A minimum of one car parking space for every Dwelling Unit required. Certain exceptions permitted per § 161. No car parking required.</i> Bike parking required per § 155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per § 166.
Dwelling Unit Mix	§ 207.6	<i>Not required. No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</i>
Use Characteristics		
Single Room Occupancy	§ 102	P
Student Housing	§ 102	P
Residential Uses	Controls By Story	
	1st	2nd 3rd+

1	Residential Uses	§ 102	P	P	P
2	* * * *	* * * *	* * * *		
3	Loss and Division of Dwelling Units				
4	Residential Conversion	§ 317	€ <u>NP</u>	€ <u>NP</u>	NP
5	Residential Demolition and Merger	§ 317	€ <u>NP</u>	€ <u>NP</u>	€ <u>NP</u>
7	<u>Division of Dwelling Units</u>	§ 207.8	<u>Division of existing Dwelling Units P per §207.8.</u>		

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES (7)				
Development Standards				
* * * *	* * * *	* * * *		
Use Size	§§102, 121.2	P up to 2,499 <u>1,999</u> square feet; C 2,500 <u>2,000</u> square feet and above		
* * * *	* * * *	* * * *		
Controls by Story				
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Kennel	§102	€ <u>NP</u>	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Massage Establishment	§102	€ <u>NP</u>	NP	NP
2	Massage, Foot/Chair	§102	P <u>NP</u>	NP	NP
	* * * *	* * * *	* * * *	* * * *	* * * *
3	<u>Services, Health</u>	<u>§102</u>	<u>NP</u>	<u>C</u>	<u>C</u>
	* * * *	* * * *	* * * *	* * * *	* * * *
4	<u>Trade Shop</u>	§102	P	C	NP
5	* * * *	* * * *	* * * *	* * * *	* * * *

6 * Not listed below.

7 * * * *

8 **(7) REPLACEMENT OF LEGACY BUSINESSES REQUIRES CONDITIONAL USE**

9 **AUTHORIZATION.** *Where an immediately prior use was a Legacy Business, as defined under*
10 *Administrative Code Section 2A.242, the controls require any new Non-Residential Use to obtain*
11 *Conditional Use authorization; this requirement shall not apply where: (A) the subject non-residential*
12 *space has had no occupant and has not been open to the public for three or more years from the date*
13 *the application for the new use is filed, or (B) where the Legacy Business has removed itself or has*
14 *been otherwise removed from the Legacy Business Registry.*

15 **SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

16 **(a) Background.** The Pacific Avenue Neighborhood Commercial District, on Pacific
17 Avenue from just east of Polk Street to all four corners of Pacific Avenue and Jones Street, is
18 situated on the north slope of the Nob Hill neighborhood and south of the Broadway Tunnel.
19 Pacific Avenue is a multi-purpose, small-scale mixed-use neighborhood shopping district on a
20 narrow street that provides limited convenience goods to the adjacent neighborhoods.

21 **(b) Controls.**

22 **(1) Purposes.** The Pacific Avenue Neighborhood Commercial District controls
23 are designed to promote a small, neighborhood serving mixed-use commercial street that
24 preserves the surrounding neighborhood residential character. These controls are intended to
25 preserve livability in a largely low-rise development residential neighborhood, enhance solar

1 access on a narrow street right-of-way, and protect residential rear yard patterns at the
 2 ground floor. Accessory dwelling units are permitted within the district pursuant to §Subsection
 3 207(c)(4) of this Code.

4 **(2) Replacement of a Legacy Business Requires Conditional Use Authorization.**

5 Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section
 6 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization;
 7 this requirement shall not apply where: (A) the subject non-residential space has had no occupant and
 8 has not been open to the public for three or more years from the date the application for the new use is
 9 filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the
 10 Legacy Business Registry.

11 **(3) Loss of Residential Units.** To prevent the loss of existing Residential Units, the
 12 removal, demolition, merger, or conversion of Residential Units above the First Story are prohibited
 13 even if such loss of Residential Units would otherwise be allowed pursuant to Section 317 of this Code.

14 **Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

		Pacific Avenue NCD
Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Street Frontage and Public Realm		
Lot Size (Per Development)	§§ 102, 121.1	P up to 9,999 <u>2,499</u> square feet; C 10,000 <u>2,500</u> square feet and above
* * * *	* * * *	* * * *
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	100 square feet per unit if private, or 133 square feet per unit if common

1					
2	Off-Street Parking Requirements	§§ 145.1, 150, 151, 153 - 156, 159 - 161, 166, 204.5	<i>A minimum of one car parking space for every Dwelling Unit required. Certain exceptions permitted per § 161. No car parking required. Bike parking required per § 155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per § 166.</i>		
3					
4					
5	Dwelling Unit Mix	§ 207.6	<i>Not required No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</i>		
6					
7					
8	Use Characteristics				
9	Single Room Occupancy	§ 102	P		
10	Student Housing	§ 102	P		
11	Residential Uses		Controls By Story		
12			1st	2nd	3rd+
13	Residential Uses	§ 102	P	P	P
14	* * * *	* * * *	* * * *		
15	Loss and Division of Dwelling Units				
16	Residential Conversion	§ 317	€ <u>NP</u>	NP	NP
17	Residential Demolition	§ 317	€ <u>NP</u>	NP	NP
18	Residential Merger	§ 317	€ <u>NP</u>	€ <u>NP</u>	€ <u>NP</u>
19	<u>Division of Dwelling Units</u>	<u>§ 207.8</u>	<u>Division of existing Dwelling Units P per §207.8.</u>		
20					
21					
22	Zoning Category	§ References	Controls		
23	NON-RESIDENTIAL STANDARDS AND USES (6)				
24	Development Standards				
25					

* * *				
Use Size	§ 102, 121.2	P up to 1,999 square feet; C 2,000 square feet and above		
* * *	* * * *	* * * *		
Controls by Story				
		1st	2nd	3rd+
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Services, Health</i>	<i>§102</i>	<i>€ NP</i>	<i>C</i>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *

(6) REPLACEMENT OF LEGACY BUSINESSES REQUIRES CONDITIONAL USE

AUTHORIZATION. *Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization; this requirement shall not apply where: (A) the subject non-residential space has had no occupant and has not been open to the public for three or more years from the date the application for the new use is filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the Legacy Business Registry.*

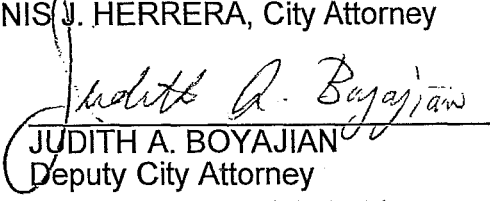
Section 9 8. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto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

1 Section 10 9. Scope of Ordinance. In enacting this ordinance, the Board of
2 Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections,
3 articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the
4 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board
5 amendment additions, and Board amendment deletions in accordance with the "Note" that
6 appears under the official title of the ordinance.

7
8 Section 11 40. Severability. If any section, subsection, sentence, clause, phrase, or
9 word of this ordinance, or any application thereof to any person or circumstance, is held to be
10 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
11 shall not affect the validity of the remaining portions or applications of the ordinance. The
12 Board of Supervisors hereby declares that it would have passed this ordinance and each and
13 every section, subsection, sentence, clause, phrase, and word not declared invalid or
14 unconstitutional without regard to whether any other portion of this ordinance or application
15 thereof would be subsequently declared invalid or unconstitutional.

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 JUDITH A. BOYAJIAN
20 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(10/17/2017, Amended in Board)

[Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District (“Pacific NCD”) and the Polk Street Neighborhood Commercial District (“Polk NCD”); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Amendments to Current Law

This ordinance would amend the Planning Code as described below:

Section 121.1

- Existing Code: Establishes size limits (in square feet) above which Conditional Use authorization would be required for development of large lots in Neighborhood Commercial and Neighborhood Commercial Transit Districts.
- Proposed Amendments would: Reduce the current size limits in the Polk NCD and Pacific NCD.

Section 121.2

- Existing Code: Establishes Non-Residential Use Size limits in Neighborhood Commercial and Neighborhood Commercial Transit Districts that can be exceeded only with a Conditional Use Authorization. In the West Portal, North Beach, and Castro NCDs and the Regional Commercial District, there is an additional limit that cannot be exceeded except in the circumstances specified.
- Proposed Amendments would: Add the Polk NCD and Pacific NCD to the list with the additional limit, and exempt Movie Theaters in the Polk NCD.

Section 121.7

- Existing Code: Restricts lot mergers on certain streets in certain districts.
- Proposed Amendments would: Restrict lot mergers in the Polk NCD and Pacific NCD.

Section 145.4

- Existing Code: Requires Active Commercial uses on certain street frontages.
- Proposed Amendments would: Require Active Commercial uses on street frontages in the Polk NCD and on portions of Pacific Avenue.

Sections 151 and 151.1

- Existing Code: Establishes off-street parking requirements.
- Proposed Amendments would: Reduce parking requirements for dwellings and for Non-Residential Uses in the Polk NCD and Pacific NCD.

Section 155

- Existing Code: Prohibits garage entries, driveways, or other vehicular access to off-street parking or loading on certain specified streets and alleys.
- Proposed Amendments would: Prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on portions of Polk Street, California Street, Hyde Street, Broadway, and Bush Street.

Section 186.1

- Existing Code: Provides that in certain NCDs, a nonconforming use that ceases for 18 months will be deemed discontinued.
- Proposed Amendments would: Provide that a nonconforming use in the Polk NCD that ceases for 18 months will be deemed discontinued.

Section 207.6

- Existing Code: Requires that new residential construction must include a minimum percentage of units of at least two bedrooms in order to ensure an adequate supply of family-sized units in existing and new housing stock.

- Proposed Amendments would: Add dwelling unit mix requirements for the Pacific Avenue and Polk Street NCDs.

Section 207.8

- Existing Code: Restricts division of Dwelling Units in certain districts.
- Proposed Amendments would: Apply restrictions on division of Dwelling Units to the Polk NCD and Pacific NCD.

Section 303

- Proposed Amendments would: Increase the allowable concentration of eating and drinking uses in the Polk NCD from 25% to 35%.

Section 723

- Existing Code: Sets forth zoning controls for the Polk NCD.
- Proposed Amendments would:
 - Update the description of the Polk NCD and its active, pedestrian-oriented storefronts.
 - Establish requirements and conditions for replacing Legacy Businesses and conditions under which Conditional Use authorization would not be required.
 - Prohibit storefront mergers.
 - Prohibit removal, demolition, merger, or conversion of Residential Units and permit division.
 - Make various changes and clarifications to the Polk NCD Zoning Control Table.

Section 726

- Existing Code: Sets forth zoning controls for the Pacific NCD.
- Proposed Amendments would:
 - Establish requirements and conditions for replacing Legacy Businesses and conditions under which Conditional Use authorization would not be required.
 - Prohibit removal, demolition, merger, or conversion of Residential Units and permit division.
 - Make various changes and clarifications to the Pacific NCD Zoning Control Table.

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SAN FRANCISCO PLANNING DEPARTMENT

170418
Received via email
7/26/2017

July 26, 2017

Ms. Angela Calvillo, Clerk
Honorable Supervisor Peskin
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

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Re: **Transmittal of Planning Department Case Number 2017-005182PCA:
Commercial Use in Polk Street and Pacific Avenue Neighborhood Commercial
District; Technical and Other Amendments
Board File No. 170418
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Peskin,

On July 13, 2017, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance, introduced by Supervisor Peskin that would 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront merges in the Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections.. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

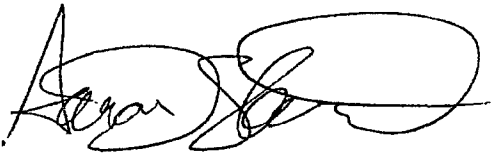
- Adopt dwelling unit mix requirements that are consistent with forthcoming citywide requirements for the Polk Street and Pacific Avenue NCDs; and
- Locate the proposed Off-Street Parking controls for Dwellings in the Polk Street and Pacific Avenue NCDs in Table 151.1 rather than Table 151.

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.

Supervisor, 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,



Aaron D. Starr
Manager of Legislative Affairs

cc:

Christophe T. Tom, Deputy City Attorney
Lee Hepner, Aide to Supervisor Peskin
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. 19959 HEARING DATE JULY 13, 2017

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Suite 400
San Francisco,
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Project Name: Commercial Uses in Polk Street and Pacific Avenue Neighborhood
Commercial Districts; Technical and Other Amendments

Case Number: 2017-005182 PCA [Board File No. 170418]

Initiated by: Supervisor Peskin / Introduced April 11, 2017

Staff Contact: Diego R Sánchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082

Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO 1) LIMIT LOT SIZES IN THE PACIFIC AVENUE NIEGHBORHOOD COMMERCIAL DISTRICT ("PACIFIC NCD") AND THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ("POLK NCD"); 2) LIMIT THE SIZE OF NON-RESIDENTIAL USES IN THE PACIFIC NCD AND POLK NCD, AND EXMEPTING MOVIE THEATERS IN THE POLK NCD FROM CERTAIN SIZE LIMITS; 3) RESTRICT LOT MERGERS IN THE PACIFIC NCD AND POLK NCD; 4) REQUIRE GROUND FLOOR COMMERCIAL USES IN THE POLK NCD AND ON CERTAIN PORTIONS OF PACIFIC AVENUE; 5) MODIFY RESIDENTIAL AND NON-RESIDENTIAL OFF-STREET PARKING REQUIREMENTS IN THE PACIFIC NCD AND POLK NCD; 6) PROHIBIT GARAGE ENTRIES, DRIVEWAYS, OR OTHER VEHICULAR ACCESS TO OFF-STREET PARKING OR LOADING ON CERTAIN STREETS AND ALLEYS IN THE PACIFIC NCD AND POLK NCD; 7) DEEM NONCONFORMING USES IN THE POLK NCD TO DE DISCONTINUED AFTER 18 MONTHS OF NON-USE; 8) CLARIFY PROCEDURES FOR ABATING A CONDITIONAL USE AUTHORIZATION; 9) MODIFYING THE MAXIMUM CONCENTRATION OF EATING AND DRINKING USES IN THE POLK NCD; 10) PROHIBIT AND RESTRICT MEDICAL SERVICE, MASSAGE ESTABLHSMET, KENNEL AND AGRICULTURE USES IN THE POLK NCD; 11) PROHIBIT STOREFRONT MERGERS IN THE POLK NCD; 12) PROHIBIT AND RESTRICT MEDICAL SERVICE, KENNELM AND AGRICULTURE USES IN THE PACIFIC NCD; 13) MODIFY THE REQUIRED DWELLING UNIT MIX IN THE POLK NCD AND PACIFIC NCD; 14) REQUIRE CONDITIONAL USE AUTHORIZATION BEFORE REPLACING A LEGACY BUSINESS IN POLK NCD AND PACIFIC NCD; 15) PROHIBIT REMOVAL, DEMOLITION, MERGER, OR CONVERSION OF CERTAIN RESIDENTIAL UNITS IN POLK NCD AND PACIFIC NCD; AND 16) CORRECT, CLARIFY, AND SIMPLIFY LANGAUGE IN OTHER PLANNING CODE SECTIONS; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIORNMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT

PRIORITY POLICIES OF PLANNING SECTION 101.1, AND FINDINGS OF PUBLIC CONVENIENCE, NECESSITY, AND WELFARE UNDER PLANNING CODE SECTION 302.

WHEREAS, on April 11, 2017 Supervisors Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 170418, which would amend the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront merges in the Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 13, 2017; 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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve with **modifications** the proposed ordinance.

Those modifications include:

1. Adopt dwelling unit mix requirements that are consistent with forthcoming citywide requirements for the Polk Street and Pacific Avenue NCDs.

2. Locate the proposed Off-Street Parking controls for Dwellings in the Polk Street and Pacific Avenue NCDs in Table 151.1 rather than Table 151

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. Maintaining the existing, fine-grained scale of the Polk Street and Pacific Avenue Neighborhood Commercial Districts (NCDs) and fostering the introduction and preservation of independent retail helps keep these NCDs distinctive and vibrant.
2. **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.

The proposed Ordinance retains and provides neighborhood-serving goods and services and encourages the diversity of the Polk Street and Pacific Avenue NCDs through controls on Legacy Businesses, eating and drinking establishments and non-residential uses sizes.

Policy 6.7

Promote High Quality Urban Design on Commercial Streets.

The proposed Ordinance promotes high quality urban design on Polk Street and Pacific Avenue through controls on the development of large lots, the size of lot mergers, a prohibition on vehicular entries on important pedestrian oriented streets, and a requirement of active ground floor commercial uses on important commercial streets.

HOUSING ELEMENT

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children the changing demographics of the city illustrate that the need for family housing is growing, as larger, extended families increase and as more and more households desire to stay in the city as they have children.

The proposed Ordinance seeks to address the need for family sized housing production through the continued imposition of the citywide dwelling unit mix requirement for the Polk Street and Pacific Avenue NCDs.

URBAN DESIGN ELEMENT

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.13

Improve pedestrian areas by providing human scale and interest

Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The proposed Ordinance amends the Planning Code to change development standards that help bring about and maintain a human scale and protect the livability of residential properties within the Polk Street and Pacific Avenue NCDs.

3. **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 have a positive effect on neighborhood serving retail uses as it proposes to amend the Planning Code to alter development standards and entitlement processes that are conducive to a healthy neighborhood-serving retail sector.

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 have a positive effect on housing and neighborhood character as it proposes to alter development standards that yield small scaled, contextual development. This will help preserve the cultural and economic diversity of the Polk Street and Pacific Avenue NCDs.

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.

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 as the Ordinance proposes to amend the Planning Code to minimize delays to transit service stemming from new garage entries or other vehicular access on multiple streets in the Polk Street and Pacific Avenue NCDs.

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 would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would 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 have a beneficial effect on parks' and open space's access to sunlight and vistas because it requires that new development be compatible with the existing small scaled context of the Polk Street and Pacific Avenue NCDs.

4. **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 with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 13, 2017.



Christine L. Silva
Acting Commission Secretary

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

NOES: None

ABSENT: Fong

ADOPTED: July 13, 2017



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: JULY 13, 2017
EXPIRATION DATE: JULY 18, 2017

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Project Name: Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments

Case Number: 2017-005182 PCA [Board File No. 170418]

Initiated by: Supervisor Peskin / Introduced April 11, 2017

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: **Recommend Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront merges in the Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections.

The Way It Is Now: Development Standards

1. Conditional Use authorization is required when constructing or significantly enlarging an existing building on a lot 10,000 square feet or larger in the Polk Street NCD and the Pacific Avenue NCD
2. In the Polk Street NCD and Pacific Avenue NCD there is no prohibition on size of a non-residential use.

3. In the Polk Street NCD and Pacific Avenue NCD there are no limits on the resultant lot frontage from a lot merger.
4. The zoning controls tables for the Polk Street NCD regulate the allowed ground floor commercial uses within the Polk Street NCD. Some of the allowed ground floor commercial uses are not considered Active Ground Floor Commercial Uses, as noted in Planning Code Table 145.4.
5. Ground floor commercial uses along Pacific Avenue, between Van Ness Avenue and Jones Streets, are regulated by the zoning district in which the property is located. These include the RM-4 Zoning District, the Polk Street NCD and the Pacific Avenue NCD.
6. In the Polk Street NCD consolidating or merger ground floor commercial storefronts are allowed, subject to the non-residential use size limits.
7. In the Polk Street NCD establishing a non-residential use of 2,500 square feet or larger requires Conditional Use authorization.

Off-Street Parking and Loading

8. One off-street parking space for each Dwelling Unit in the Polk Street NCD is required.
9. One off-street parking space for each Dwelling Unit in the Pacific Avenue NCD is required.
10. Off-Street parking is generally required for land uses and activities within the Polk Street NCD and Pacific Avenue NCD. These requirements are listed in Table 151.

11. On (a) Polk Street, between Filbert Street and Golden Gate Avenue; (b) California, between Van Ness Avenue and Hyde Street; (c) Hyde Street, between California Street and Pine Street; (d) Broadway between Van Ness Avenue and Larkin Street; (e) Bush Street between Van Ness Avenue and Larkin Street; and (f) Pine Street between Van Ness Avenue and Larkin Street the addition of garage entries, driveways or other vehicular access to off-street parking or loading is allowed subject to dimensional restrictions, street frontage and any applicable design guidelines.

Nonconforming Uses

12. In the Polk Street NCD the period of non-use for a nonconforming use to be deemed discontinued is three years.

Retail Uses

13. In the Polk Street NCD the concentration of eating and drinking uses should not exceed 25% of total commercial frontage as measured in linear feet within the immediate area of a proposed eating and drinking use.
14. In the Polk Street NCD and the Pacific Avenue NCD a new non-residential use occupying a space formerly occupied by a Legacy Business is not required to secure Conditional Use authorization solely because the last non-residential use was a Legacy Business.
15. In the Polk Street NCD Medical Service uses are principally permitted on the first and second stories but not permitted above the second story.
16. In the Polk Street NCD Conditional Use authorization is required to establish a Massage Establishment at the first story.

17. In the Polk Street NCD and the Pacific Avenue NCD Neighborhood Agriculture is principally permitted at any story and Large Scale Agriculture requires Conditional Use authorization at all stories.

Residential Uses

18. In the Polk Street NCD and the Pacific Avenue NCD new housing developments may provide any unit type mix and are not required to provide a specific ratio of two- or three-bedroom units.
19. In the Polk Street NCD and the Pacific Avenue NCD the removal, demolition, merger or conversion of Residential Units is subject to the procedures under Planning Code Section 317.
20. In the Polk Street NCD and the Pacific Avenue NCD subdividing an existing unit into two or more units is prohibited is allowed without consideration of the size of the existing unit to be subdivided or of the size of at least one of the resultant units.

The Way It Would Be:
Development Standards

1. Conditional Use authorization would be required when constructing or significantly enlarging an existing building on a lot 2,500 square feet or larger in the Polk Street NCD and the Pacific Avenue NCD
2. In the Polk Street NCD and Pacific Avenue NCD non-residential uses 4,000 square feet or greater would be prohibited. In the Polk Street NCD Movie Theaters would be exempt from this prohibition.
3. In the Polk Street NCD and Pacific Avenue NCD resultant lot frontage would be limited to 25 feet when merging lots.
4. Active Ground Floor Commercial Uses, as noted in Planning Code Table 145.4, would be required on any street frontage within the Polk Street NCD
5. Active Ground Floor Commercial Uses, as noted in Planning Code Table 145.4, would be required on any street frontage along Pacific Avenue, between Van Ness Avenue and Jones Street, in addition to the use controls established by the underlying zoning district. This would apply on lots where the last known ground floor use was a commercial or retail use.
6. In the Polk Street NCD consolidating or merging ground floor commercial storefronts would be prohibited.
7. In the Polk Street NCD establishing a non-residential use of 2,000 square feet or larger would require Conditional Use authorization.

Off-Street Parking and Loading

8. No off-street parking for dwelling units would be required in the Polk Street NCD. Up to 0.5 cars for each dwelling unit would be principally permitted.
9. No off-street parking for dwelling units would be required in the Pacific Avenue NCD. Up to 0.5 cars for each dwelling unit would be principally permitted and up to one car for each dwelling unit would be allowed with Conditional Use authorization.

10. Off-Street parking would not be required for land uses and activities within the Polk Street NCD and Pacific Avenue NCD. Off-Street parking maximums for land uses and activities would be established for the Polk Street NCD and Pacific Avenue NCD and found in Table 151.1. For non-residential uses, except grocery stores over 20,000 gross square feet, in Table 151 that are described as a ratio of occupied floor area, up to one off-street parking space per 1,500 square feet of occupied floor area, or the quantities specified in Table 151, whichever is less, would be permitted.
11. On (a) Polk Street, between Filbert Street and Golden Gate Avenue; (b) California, between Van Ness Avenue and Hyde Street; (c) Hyde Street, between California Street and Pine Street; (d) Broadway between Van Ness Avenue and Larkin Street; (e) Bush Street between Van Ness Avenue and Larkin Street; and (f) Pine Street between Van Ness Avenue and Larkin Street the addition of garage entries, driveways or other vehicular access to off-street parking or loading would be prohibited.

Nonconforming Uses

12. In the Polk Street NCD the period of non-use for a nonconforming use to be deemed discontinued would be 18 months.

Retail Uses

13. In the Polk Street NCD the concentration of eating and drinking uses would not be allowed to exceed 35% of total commercial frontage as measured in linear feet within the immediate area of a proposed eating and drinking use.
14. In the Polk Street NCD and the Pacific Avenue NCD a new non-residential use occupying a space formerly occupied by a Legacy Business would be required to secure Conditional Use authorization because the last non-residential use was a Legacy Business. This requirement would not apply where the subject non-residential space has been vacant and not been open to the public for at least three years or where the Legacy Business has removed itself or has otherwise been removed from the Legacy Business Registry.
15. In the Polk Street NCD Medical (Health) Service uses would be prohibited on the first story and would require Conditional Use authorization above the first story.
16. In the Polk Street NCD Massage Establishments would be prohibited at all stories.
17. In the Polk Street NCD and the Pacific Avenue NCD Neighborhood Agriculture and Large Scale Urban Agriculture would be prohibited at all stories.

Residential Uses

18. In the Polk Street NCD and the Pacific Avenue new housing developments proposing five or more dwelling units would be required to provide at least 40% of all units as two bedroom units or at least 30% of all units as three bedroom units.
19. In the Polk Street NCD and the Pacific Avenue NCD the removal, demolition, merger or conversion of Residential Units would be prohibited.
20. In the Polk Street NCD and Pacific Avenue NCD subdividing an existing unit into two or more units would be principally permitted at any story if the existing unit exceeds 2,000 occupied square feet or

contains more than three bedrooms and at least one of the resulting units is no less than two bedrooms and 1,250 square feet in size.

ISSUES AND CONSIDERATIONS

Development Standards

Each Neighborhood Commercial District (NCD) incorporates building standards to regulate the general size, shape, character, and design of development. These development controls are tailored to the particularities of each NCD. For smaller scaled NCDs, the building standards tend to guide development toward fine grained, pedestrian scale built environment. Where this already exists, the building standards work to preserve this condition.

"...the added scrutiny of the CU process can allow a wider range of projects, project sizes and community benefits while still assuring neighborhood compatibility."

The building standards do this by establishing quantitative thresholds for development that is allowed as of right, allowed with Conditional Use (CU) authorization or prohibited. Requiring CU can help achieve a number of policy goals relating to the built environment. Through specific CU findings, the CU process creates an additional mechanism to require new developments to be compatible with and contribute to their surroundings. For example, the Planning Code contains CU findings requiring development on larger lots to be physically compatible with the existing scale of the NCD and those features adding a positive visual impact.¹ For larger sized nonresidential uses, the Planning Code has CU findings requiring these uses to be found neighborhood serving and not detrimental to other neighborhood serving uses in the area.² The Planning Code also contains CU findings for the merging of lots to assure additional residential affordability or the development of a project of public interest.³ In short, the added scrutiny of the CU process can allow a wider range of projects, project sizes and community benefits while still assuring neighborhood compatibility.

An outright prohibition does not afford this opportunity. This can be of concern for neighborhood serving retail uses that require larger spaces such as a grocery store or a hardware store. It is also of concern for residential projects where a larger footprint can produce inclusionary housing units while a smaller sized one cannot.

Maintaining a Distinct Retail Character

Most successful NCDs have a retail composition that strikes a balance between neighborhood serving uses and uses attracting patrons from afar. They also have a balance among different retail use categories, such as eating and drinking, apparel and personal services. When one retail use begins to dominate an NCD, the NCD's utility to adjacent neighbors can decline. Maintaining an appropriate balance is therefore important to the character of an NCD. Limits to the entry of any one type of retail use should be based on an understanding of existing NCD conditions. Setting a limit on a retail use far above its existing concentration can upset the desired balance by allowing more of that use to locate in the NCD. Similarly, setting the limit to low creates a number of nonconforming uses that the Planning

¹ Planning Code Section 121.1

² Planning Code Section 121.2

³ Planning Code Section 121.7

Code seeks to eliminate over time. In either case, it is best to base any limits on existing or desired conditions determined through a survey of the NCD.

The size of retail spaces, and the retailers they accommodate, also influences the character of an NCD. Where larger spaces with adjacent parking lots are readily available, regional or national retailers are easily accommodated. Smaller, often independently owned establishments tend to locate in NCDs with an abundance of smaller retail spaces. These differing physical layouts and the retailers they accommodate yield different commercial corridor character. Protecting the balance of the available retail space sizes is therefore vital to NCD character. This can be done by limiting the loss of smaller spaces by placing controls on storefront mergers. Care should also be taken to not eliminate any opportunities for smaller, independently owned retailers to expand into an adjacent retail space. Limits to the sizes of retail spaces should also be based on a survey of the existing conditions in an NCD with smaller retail spaces. This can inform the quantitative threshold for limiting the size of a retail space.

Most NCDs have at least a couple of long standing retail or institutional uses. These serve as anchors to the NCD, helping identify the NCD and lending character; however, it is inevitable that some of these long standing uses will close. Closure may come about for any number of reasons including the owners retiring; changing consumer tastes making the use no longer commercially viable; or because of a sharp escalation in lease rates. Whatever the cause, land uses controls, such as tailored CU findings, can influence the subsequent use and meet broader policy goals around NCDs. Specific CU findings can assure that the new use contributes to the character of the NCD through appropriate physical improvements or through the provision of neighborhood serving goods or services.⁴ The CU findings can also incentivize the new use to provide opportunities for patrons to arrive at the site using mass transit or bicycles.⁵ Such CU findings can help decision makers determine whether a proposed use is appropriate for a particular location.

An active, pedestrian-oriented retail base is important to have on the main street of an NCD. The Planning Code recognizes this by requiring what it considers "active commercial uses" on the ground floor on particular streets in specified NCDs.⁶ An active use is one that does not feature non-transparent walls facing a street or involve storing goods or vehicles. They can also be thought of as uses that invite a free flow of customers coming in and out of the premises. Selected segments of a street, or in a few instance all of a street within an NCD, are identified as important commercial streets where active ground floor commercial uses are required. Directing these uses to identified areas makes sense in that foot traffic is most needed in certain areas for an NCD to prosper. It also makes sense in that it eliminates competition for retail spaces from "non-active" uses.

⁴ General Plan, Commerce and Industry Element, Objective 6 Maintain and Strengthen Viable Neighborhood Commercial Areas Easily Accessible to City Residents, Policy 6.7 Promote High Quality Urban Design on Commercial Streets

⁵ 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, Guidelines for All Uses

⁶ Planning Code Section 145.4

The Polk Street NCD follows this pattern. The Polk Street NCD is largely centered along Polk Street, its "main street." But at its southern end the NCD juts out in a rectangular fashion to include a number of blocks and streets off of Polk Street. These "minor" streets include Hemlock, Fern, Larkin, and Bush, among others. Not all storefronts on the "minor" streets should be required to accommodate active commercial uses. These could accommodate a "non-active" commercial use without harming the pedestrian experience. And in the case of a storefront vacancy, having the liberty to lease to a "non-active" commercial use expands the possible uses that may occupy such a space.

Residential Dwelling Unit Mix

In 2008 the City enacted dwelling unit mix controls for residential development.⁷ Dwelling unit mix controls require a minimum number of family sized units- no smaller than two bedroom units - to be provided in residential developments of five units or more. The current requirement is that no less than 40% of the total number of proposed dwelling units contain at least two bedrooms or no less than 30% of the total number of proposed dwelling units contain at least three bedrooms. Initially only residential development in the Residential Transit Oriented (RTO) and Neighborhood Commercial Transit (NCT) District were subject to the controls. However, very soon after residential developments in the Downtown Residential (DTR) and the Eastern Neighborhoods zoning districts were also made subject to these controls. Currently the Polk Street and Pacific Avenue NCDs do not have a dwelling unit mix requirement for residential development.

~~Given the goal to produce family sized units across the City,⁸ and not simply in the eastern half, Supervisor's Breed, Kim, Peskin, Safai and Tang sponsored Board File 161351.⁹ Among other aims, this proposed Ordinance seeks to establish a dwelling unit mix requirement applying to all residential development of 10 or more units citywide. It is proposing that no less than 25% of the total number of proposed dwelling units contain at least two bedrooms and no less than 10% of the total number of proposed dwelling units contain at least three bedrooms. The Department recognizes that the final dwelling unit mix requirement, including the ratios of two and three bedroom units and the size of residential project subject to the requirement, may change through the legislative process. However, in light of this citywide effort to address the need for family sized units, it is reasonable that all zoning districts adhere to the forthcoming requirement. It also makes implementation of this requirement easier when there are no zoning districts exempted from the citywide regulation.~~

Loss of Residential Units

The Department is a strong supporter of creating new units as well as maintaining functional and sound existing housing. However, there are instances when the loss of a residential unit is appropriate. For example, legalization of an unauthorized unit may prove too great a financial burden for the property owner given a change in marital or financial status. Or an unauthorized unit may be financial infeasible

⁷ Ordinance 72-08 <https://sfgov.legistar.com/View.ashx?M=F&ID=710873&GUID=68607DFA-EDB2-4A5C-B43D-9DC0A0960A6A>

⁸ General Plan, Housing Element, Objective 4 Foster a Housing Stock that Meets the Needs Of all Residents Across Lifecycles, Policy 4.1 Develop New Housing, and Encourage the Remodeling of Existing Housing, For Families with Children

⁹ Board File 161351 <https://sfgov.legistar.com/View.ashx?M=F&ID=5187751&GUID=AEBF33BD-F892-4320-9098-D82F0E992CC9>

to rehabilitate and legalize because of the poor condition of the unit.¹⁰ There may also be similar instances where a legal, authorized unit is in such a state of disrepair that its loss, especially for the creation of new or more units, is preferable. In either case, it is reasonable to maintain a procedural avenue in those few instances where loss of a unit is a preferable outcome.

RECOMMENDATION

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

Development Standards

1. Do not prohibit non-residential uses larger than 4,000 gross square feet in size in the Polk Street and Pacific Avenue NCDs.
2. Limit lot mergers resulting in a lot with a single street frontage to no larger than 50 feet within the Polk Street and Pacific Avenue NCDs instead of the proposed 25 feet.
3. Do not prohibit the merger of ground floor commercial storefronts in the Polk Street NCD.
4. Select specific segments of the Polk Street NCD to require active ground floor commercial uses.

Retail Uses

5. Base any concentration limit on eating and drinking uses in the Polk Street NCD on existing conditions.
6. Add Conditional Use findings for the proposed Legacy Business controls in the Polk Street and Pacific Avenue NCDs.

Residential Uses

7. Adopt dwelling unit mix requirements that are consistent with forthcoming citywide requirements for the Polk Street and Pacific Avenue NCDs.
8. Do not prohibit the removal, demolition, merger or conversion of Residential Unit within the Polk Street and Pacific Avenue NCDs.

Technical Amendment

¹⁰ In Case 2016-006912CUA, 1145 Bacon Street, the Planning Commission granted Conditional Use authorization to remove an unauthorized unit from a single family dwelling in part because of the project sponsor having a financial hardship, escalating legalization costs and a lack of tenant displacement. The case of two dozen immigrants living in the basement of an Excelsior district laundromat the Fire Department labeled a "death trap" is another example of the need for a procedural route to remove unauthorized units.

"Inside the SF Laundromat where Two Dozen People Lived." *San Francisco Chronicle* 19 May 2017. accessed 23 June 2017 <http://www.sfchronicle.com/bayarea/article/Inside-the-SF-laundromat-basement-where-2-dozen-11159737.php>

9. Locate the proposed Off-Street Parking controls for Dwellings in the Polk Street and Pacific Avenue NCDs in Table 151.1 rather than Table 151

BASIS FOR RECOMMENDATION

The Department supports the overall goals of the Ordinance. Maintaining the existing, fine-grained scale of the Polk Street and Pacific Avenue NCDs and fostering the introduction and preservation of independent retail helps keep these NCDs distinctive and vibrant. However, the Department believes that the amended controls should still provide avenues for discretion for relatively larger projects including through the Conditional Use authorization process. Further, the Department believes that prohibitions or limits on uses or their sizes should be based on surveys of the existing conditions in these NCDs.

Recommendations:

Development Standards

1. **Do not include Polk and Pacific among the districts prohibiting non-residential uses 4,000 square feet or larger.** Conditional Use authorization for non-residential uses 2,000 square feet or larger is being proposed as a means to publically vet the compatibility of a use. The standard Conditional Use findings of necessity and desirability would be applied to the proposal. Additionally, use size specific finding would also apply pursuant to Planning Code Section 121.2. The Department believes that these measures are sufficient to assure neighborhood compatibility even for proposals in excess of 4,000 square feet.
2. **Allow lot mergers no larger than 50 feet instead of the proposed 25 feet.** Currently the Planning Code restricts lot mergers to 50 feet in NCDs and other districts with a similarly small scale as the Polk Street and Pacific Avenue NCDs. This is the most restrictive control in the Planning Code and yet still permits the assembly of standard sized properties into a larger one. The 25 foot upper limit essentially prevents any lot mergers and may create a barrier in the future for projects the City or community may desire such as 100% affordable housing projects.
3. **Do not prohibit the merger of ground floor commercial storefronts.** The Department is in support of maintaining and preserving the existing pattern of smaller sized retail spaces in the Polk Street and Pacific Avenue NCDs. Unfortunately prohibiting the merger of storefronts in every circumstance can have unintended consequences, such as denying a successful, locally owned business from expanding. Instead the Department suggests conducting a survey of the prevailing size of these establishments. The survey results could inform the decision to implement a quantitative limit on the resultant size of a merged ground floor commercial storefront. This would have the benefit of allowing a smaller business to expand while preserving other smaller sized retail spaces.
4. **Require active ground floor commercial uses for certain segments of Polk Street instead of the Neighborhood Commercial District.** The active ground floor commercial use requirement is a control typically reserved for portions of specific streets in a zoning district, but not every street in a zoning district. The aim of this control is to direct specific uses to areas of a commercial corridor where pedestrian activity is most needed. This allows other complimentary uses to locate adjacent to the locus of activity. At its southern end the Polk Street NCD encompasses

streets other than Polk Street. It is reasonable to allow non-active, yet complimentary uses on these streets as they would not harm the pedestrian experience along Polk Street. These include nighttime entertainment uses, a movie theater, a design professional use or a trades office use.

Retail Uses

5. **Base any concentration limit on eating and drinking uses in the Polk Street NCD on existing conditions.** Regulating the retail mix of any commercial corridor is critical to promoting and maintaining its vibrancy. Prohibitions on a specific retail type, then, should be informed by conducting a survey of existing conditions determined through a survey. This ensures that the right concentration limit is selected and avoids unintended consequences.
6. **Add CU findings for the Legacy Business controls.** The proposed Legacy Business controls require CU for the subsequent use. To help determine whether this use is appropriate, Legacy Business specific findings should be added. These specific findings could include the following:

How the new use will continue to contribute to the commercial corridor's character through:

- (a) physical improvements including preservation, repair or addition of architectural features, façade elements or storefronts;
- (b) retail or institutional offerings serving the adjacent neighborhood and providing goods and/or services needed on a daily basis or attracting patrons from a wider trade area

How the use, as independently owned or as a Formula Retail use, will impact the corridor's character:

- (a) within the immediate area, as defined by a 300 foot radius of the subject site;
- (b) beyond the immediate area of the subject site and throughout the entire corridor

How the new use interacts with the public realm, including:

- (a) If locating at the ground story, whether the use contributes to an active retail frontage;
- (b) If the use provides off-street parking, how it proposes to improve the pedestrian-automobile interface, and how the use provides opportunities for using mass transit or bicycles to arrive at the subject site.

Residential Uses

7. **Adopt the coming citywide dwelling unit mix requirement.** The City is on the verge of adopting a dwelling unit mix requirement for all zoning districts. Currently BF 161351 is proposing to require that residential developments of 10 units or more to provide no less than 25% of the total number of proposed dwelling units as two bedroom units and no less than 10% of the total number of proposed dwelling units as three bedrooms. This differs from what the Ordinance is proposing for the Polk Street and Pacific Avenue NCDs, which is to apply the existing 40% two bedroom unit or 30% three bedroom unit requirement. The Department understands that the exact details of the dwelling unit mix requirements may change during the legislative process. Nonetheless, new residential development in the Polk Street and Pacific Avenue NCDs should adhere to the final the citywide dwelling unit mix requirement. This would ease implementation of the new requirement.

8. **Do not prohibit the removal, demolition, merger or conversion of Residential Units.** Without question the City should strive to maintain as many functional and sound Residential Units as possible. However there are isolated instances where the removal of a unit is preferable to maintaining a unit. This can be the case when it is financially infeasible to legalize a unit given an owner's resources and/or the ill condition of the unit.

Technical Amendment

9. **Locate the proposed Off-Street Parking controls for Dwellings in the Polk Street and Pacific Avenue NCDs in Table 151.1 rather than Table 151.** The off-street parking controls for zoning district with off-street parking maximums are found in Table 151.1. Locating the proposed controls there is consistent with other zoning districts and makes their implementation much easier.

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.

IMPLEMENTATION

The Department determined that this ordinance will not impact our current implementation procedures.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) 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.

RECOMMENDATION: Recommendation of Approval with Modification

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Letters of Support/Opposition
- Exhibit C: Board of Supervisors File No. 170418



SAN FRANCISCO

OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

June 21, 2017

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 170418 [Planning Code - Commercial Uses in Polk Street and Pacific Avenue
Neighborhood Commercial Districts; Technical and Other Amendments]

Small Business Commission Recommendation to the Board of Supervisors: **Approval**

Dear Ms. Calvillo,

The Small Business Commission recommend that the Board of Supervisors approve BOS File No. 170418.

The Commission supports the spirit of the legislation, which has had positive results in the Castro. It appreciates the sponsor's engagement of the small business community. The Commission made a motion to recommend that the Board of Supervisors approve File No. 170418 with a provision to exempt events outside of the control of a business from the non-use discontinuation. The motion passed 6-0, 1 absent.

Thank you for considering the Small Business Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Aaron Peskin, Board of Supervisors
Nicole Elliott, Mayor's Office
Mawuli Tugbenyoh, Mayor's Office
Lisa Pagan, Office of Economic and Workforce Development
Alisa Somera, Land Use & Transportation Committee

OFFICE OF SMALL BUSINESS • SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110, SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6408

170418

From: Adam Mayer <adam.n.mayer@gmail.com>
Sent: Sunday, October 01, 2017 9:34 PM
To: Farrell, Mark (BOS); Tang, Katy (BOS); Peskin, Aaron (BOS)
Cc: Major, Erica (BOS)
Subject: Support for Planning Code Amendment - Commercial Uses in Polk St & Pacific Ave NCDs

Dear Members of the SFBOS Land Use Committee:

I urge you to please support Supervisor Peskin's proposed Planning Code amendments to the Polk Street and Pacific Avenue Neighborhood Commercial Districts.

As an 8-year resident of the neighborhood, I have become intimately familiar with the unique character of the Polk Street corridor and have had the pleasure to get to know several of the street's shop owners. Given the big changes coming to the area, it is important now more than ever for the city to act to protect our local merchants and long-term residential tenants in our neighborhood.

Change is welcomed, but only if managed properly. As a neighborhood, we look forward to the infrastructure improvements that are currently underway- including the Van Ness Improvement project and the Polk Streetscape project.

Fortunately, with these positive changes have come some short-term negative impacts including noise, transit disruption and reduced business to some shops along the corridor. We owe it to those who have bet their time and resources on the neighborhood that their needs will be prioritized once these infrastructure improvements are finished.

Protecting legacy businesses and keeping retail spaces to a maximum allowable size ensures that we preserve and enhance our retail corridor while protecting rent-controlled housing stock ensures that we can minimize displacement of our long-term residential tenants (many of who are on a fixed income).

With these amendments to the Planning Code, I am confident that the Polk St and Pacific Ave NCDs will maintain the character we love while also allowing new, well-considered development to enhance the neighborhood without dismantling it.

Best Regards,
Adam Mayer
Director of Planning & Design, Middle Polk Neighborhood Association

--
Adam N. Mayer AIA, LEED AP BD+C
adam.n.mayer@gmail.com

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

September 28, 2017

File No. 170418-2

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

Dear Ms. Gibson:

On September 26, 2017, Supervisor Peskin introduced the following substitute legislation:

File No. 170418-2

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under 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

Referral from the Board of Supervisors
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@sfgov.org,
c=US
Date: 2017.09.29 09:47:46 -07'00'

BOARD of SUPERVISORS



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September 28, 2017

File No. 170418-2

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

Dear Ms. Gibson:

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File No. 170418-2

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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

Referral from the Board of Supervisors
Land Use and Transportation Committee

Attachment

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

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

September 28, 2017

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

Dear Commissioners:

On September 26, 2017, Supervisor Peskin introduced the following substitute legislation:

File No. 170418-2

Ordinance-amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under 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.

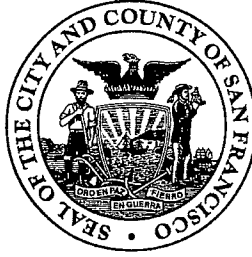
Angela Calvillo, Clerk of the Board



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, Acting Environmental Review Officer
-
- AnMarie Rodgers, Senior Policy Advisor
Laura Lynch, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Ed Reiskin, Executive Director, Municipal Transportation Agency

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

DATE: September 28, 2017

SUBJECT: SUBSTITUTE LEGISLATION

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Peskin on September 26, 2017:

File No. 170418-2

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

Referral from the Board of Supervisors
Land Use and Transportation Committee

c: David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency

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

April 19, 2017

File No. 170418

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

Dear Ms. Gibson:

On April 11, 2017, Supervisor Peskin introduced the following proposed legislation:

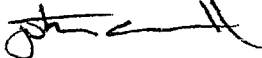
File No. 170418

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101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board


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

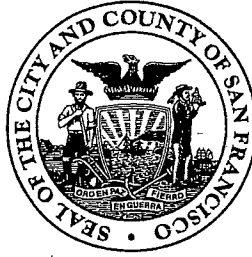
- c: Joy Navarrete, Environmental Planning
- Jeanie Poling, Environmental Planning

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.

REVIEWED

By Joy Navarrete at 9:55 am, Apr 28, 2017

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

April 19, 2017

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

Dear Commissioners:

On April 11, 2017, Supervisor Peskin introduced the following legislation:

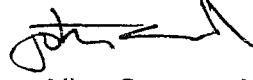
File No. 170418

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**101.1, and findings of public convenience, necessity, and welfare under
Planning Code, Section 302.**

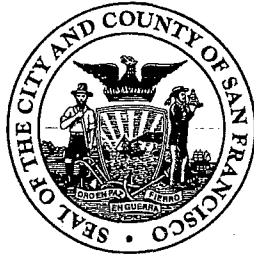
The proposed ordinance is being transmitted pursuant to Planning Code,
Section 302(b), for public hearing and recommendation. The ordinance is pending
before the Land Use and Transportation Committee and will be scheduled for hearing
upon receipt of your response.

Angela Calvillo, Clerk of the Board


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

- c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Acting Environmental Review Officer
AnMarie Rodgers, Senior Policy Advisor
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning
-

BOARD of SUPERVISORS



City Hall
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Tel. No. 554-5184
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TDD/TTY No. 554-5227

April 19, 2017

File No. 170418

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

Dear Ms. Gibson:

On April 11, 2017, Supervisor Peskin introduced the following proposed legislation:

File No. 170418

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront mergers in Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section

**101.1, and findings of public convenience, necessity, and welfare under
Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board


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

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: ^{AS} Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: April 19, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170418

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront mergers in Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk ~~NCD~~ and Pacific NCD; and 16) correct,

clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

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

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: *AS* Alisa Somera, Legislative Deputy Director
AS Land Use and Transportation Committee

DATE: April 19, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on April 11, 2017:

File No. 170418

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront mergers in Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's ~~808~~ termination under the California

Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Viktoriya Wise, Municipal Transportation Agency

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
9/26/2017
6:01pm
A

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 [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [170418]
- 9. Reactivate File No. []
- 10. 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 the Imperative Form.

Sponsor(s):

Peskin

Subject:

[Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]

The text is listed:

Ordinance amending the Planning Code to 1) limit Lot Sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting Movie Theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain Streets and Alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit Massage Establishment, Chair/Foot Massage, and Kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of Residential Units through demolition, merger, or conversion and allow division if it meets a.

dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code Section 302.

Signature of Sponsoring Supervisor:



For Clerk's Use Only

Print Form

Introduction Form

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BOARD OF SUPERVISORS
SAN FRANCISCO

By a Member of the Board of Supervisors or the Mayor

2017 APR 11 PM 3:45

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. Reactivate File No. []
- 10. 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 Form.

Sponsor(s):

Peskin

Subject:

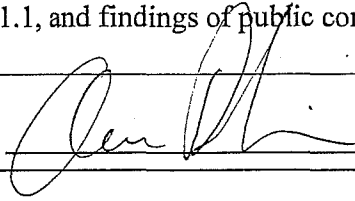
Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments

The text is listed below or attached:

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting Movie Theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict Medical Service, Massage Establishment, Kennel, and Agriculture uses in the Polk NCD; 11) prohibit storefront mergers in Polk NCD; 12) prohibit and restrict Medical Service, Kennel, and Agriculture uses in

the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain Residential Units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code Section 302.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

