

BOARD of SUPERVISORS



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July 14, 2017

File No. 170820

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

Dear Ms. Gibson:

On July 11, 2017, Mayor Lee introduced the following proposed legislation:

File No. 170820

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting 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

Attachment

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

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

Joy Navarrete 7/14/17

1 [Planning Code - Valencia Street Neighborhood Commercial Transit District Zoning Control
2 Table]

3 **Ordinance amending the Planning Code to adopt the zoning control table for the**
4 **Valencia Street Neighborhood Commercial Transit District, which was deleted**
5 **inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance;**
6 **making environmental findings and findings of consistency with the General Plan, and**
7 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**
8 **public convenience, necessity, and welfare under Planning Code, Section 302.**

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

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

17 Section 1. Findings

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. _____ and is incorporated herein by reference.

22 (b) On February 2, 2017, the Planning Commission, in Resolution No.19847,
23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
24 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
25 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
the Board of Supervisors in File No. 170203, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No.19847 and the Board incorporates such reasons herein by reference.

(d) The text proposed in this ordinance was originally included in Board File No. 170203 when it was introduced at the Board of Supervisors, but was inadvertently removed through the legislative process due to a drafting error. This proposed Ordinance is intended to correct for that omission.

Section 2. The Planning Code is hereby amended by adding the Zoning Control Table for Section 762, to read as follows:

SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

<u>Zoning Category</u>	<u>§ References</u>	<u>Valencia Street NCT Controls</u>
<u>BUILDING STANDARDS</u>		
<u>Massing and Setbacks</u>		
<u>Height and Bulk Limits.</u>	<u>§§ 102, 105, 106, 250—252, 260, 261.1, 270, 271. See also Height and Bulk District Maps</u>	<u>40-X, 50-X. See Height and Bulk Map Sheet HT07 for more information. Height sculpting required on Alleys per §261.1.</u>
<u>5 Foot Height Bonus for Active Ground Floor Uses</u>	<u>§ 263.20</u>	<u>P</u>
<u>Rear Yard</u>	<u>§§ 130, 134, 134(a)(e), 136</u>	<u>Required at the Second Story and at each succeeding level or Story of the building, and at the First Story if it contains a Dwelling Unit: 25% of lot depth, but in no case less than 15 feet</u>

<u>Front Setback and Side Yard</u>	<u>§§130, 131, 132, 133</u>	<u>Not Required.</u>
<u>Street Frontage and Public Realm</u>		
<u>Streetscape and Pedestrian Improvements</u>	<u>§138.1</u>	<u>Required</u>
<u>Street Frontage Requirements</u>	<u>§ 145.1</u>	<u>Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.</u>
<u>Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Required on portions of Valencia Street, 16th Street, and 22nd Street</u>
<u>Vehicular Access Restrictions</u>	<u>§ 155(r)</u>	<u>Prohibited on Valencia Street between 15th and 23rd Streets and on 16th Street between Guerrero and Capp Streets.</u>
<u>Miscellaneous</u>		
<u>Lot Size (Per Development)</u>	<u>§§ 102, 121.1</u>	<u>P up to 9,999 square feet.; C 10,000 square feet and above</u>
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>
<u>Awning, Canopy or Marquee</u>	<u>§ 136.1</u>	<u>P</u>
<u>Signs</u>	<u>§§ 262, 602-604, 607, 607.1, 608, 609</u>	<u>As permitted by Section § 607.1</u>
<u>General Advertising Signs</u>	<u>§§ 262, 602.7 604, 608, 609, 610, 611</u>	<u>NP</u>
<u>Design Guidelines</u>	<u>General Plan Commerce and Industry Element</u>	<u>Subject to the Urban Design Guidelines</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>RESIDENTIAL STANDARDS AND USES</u>		
<u>Development Standards</u>		
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§135, 136</u>	<u>80 square feet per unit if private, or 100 square feet per unit if common</u>
<u>Off-Street Parking Requirements</u>	<u>§§ 145.1, 150, 151.1, 153 - 156, 166, 204.5</u>	<u>Car parking not required. P up to 0.5 spaces per Dwelling Unit; C up to 0.75 spaces per Dwelling Unit. 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.</u>

<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.</u>		
<u>Use Characteristics</u>				
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>		
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>		
<u>Residential Uses</u>		<u>Controls By Story</u>		
		<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>Residential Uses</u>	<u>§ 102</u>	<u>P(1)</u>	<u>P</u>	<u>P</u>
<u>Dwelling Units, Senior Housing, and Group Housing</u>	<u>§§ 102, 202.2(f), 207, 208</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u>		
<u>Accessory Dwelling Units</u>	<u>§§102, 207(c)(4)</u>	<u>P within the existing building envelope. 1 ADU allowed in buildings with 4 or fewer Dwelling Units. No limit in buildings with 5 or more Dwelling Units. ADUs may not eliminate or reduce ground-story retail or commercial space.</u>		
<u>Homeless Shelters</u>	<u>§§ 102, 208</u>	<u>Density limits regulated by the Administrative Code</u>		
<u>Loss and Division of Dwelling Units</u>		<u>Controls by Story</u>		
		<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>Residential Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<u>Residential Demolition or Merger</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Division of Dwelling Units</u>	<u>§207.8</u>	<u>Division of existing Dwelling Units P per §207.8</u>		

<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>NON-RESIDENTIAL STANDARDS AND USES</u>		
<u>Development Standards</u>		
<u>Floor Area Ratio</u>	<u>§§ 102, 123, 124</u>	<u>2.5 to 1</u>
<u>Use Size</u>	<u>§§102, 121.2</u>	<u>P up to 2,999 square feet; C 3,000 square feet and above</u>
<u>Off-Street Parking Requirements</u>	<u>§§ 145.1, 150, 151.1, 153 - 156, 166, 204.5</u>	<u>Car parking not required. Limits set forth in Section 151.1. Bike parking required per Section 155.2. Car share spaces required when a project has 25 or more parking spaces per §166.</u>
<u>Off-Street Freight Loading</u>	<u>§§ 150, 152, 153 - 155, 161, 204.5</u>	<u>None required if gross floor area is less than 10,000 square feet. Exceptions permitted per §161.</u>

Commercial Use Characteristics				
<i>Drive-up Facility</i>	<u>§102</u>	<u>NP</u>		
<i>Formula Retail</i>	<u>§§102, 303.1</u>	<u>C</u>		
<i>Hours of Operation</i>	<u>§102</u>	<u>P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.</u>		
<i>Maritime Use</i>	<u>§102</u>	<u>NP</u>		
<i>Open Air Sales</i>	<u>§§102, 703(b)</u>	<u>See Section 703(b)</u>		
<i>Outdoor Activity Area</i>	<u>§§102, 145.2</u>	<u>P if located in front; C if located elsewhere</u>		
<i>Walk-up Facility</i>	<u>§102</u>	<u>P</u>		
		Controls by Story		
<i>Agricultural Use Category</i>		<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<i>Agriculture, Neighborhood</i>	<u>§§102, 202.2(c)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<i>Agriculture, Large Scale Urban</i>	<u>§§102, 202.2(c)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Greenhouse</i>	<u>§§102, 202.2(c)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Automotive Use Category				
<i>Automotive Uses*</i>	<u>§§102, 187.1, 202.2(b), 202.5, 202.5</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Automotive Repair</i>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Parking Garage, Private</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Parking Garage, Public</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Parking Lot, Private</i>	<u>§§ 102, 142, 156</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Parking Lot, Public</i>	<u>§§ 102, 142, 156</u>	<u>C</u>	<u>C</u>	<u>C</u>
Entertainment, Arts and Recreation Use Category				
<i>Entertainment, Arts and Recreation Uses*</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Entertainment, General</i>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Entertainment, Nighttime</i>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Movie Theater</i>	<u>§102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
<i>Open Recreation Area</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Passive Outdoor Recreation</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
Industrial Use Category				
<i>Industrial Uses</i>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Institutional Use Category				
<i>Institutional Uses*</i>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u>
<i>Child Care Facility</i>	<u>§102</u>	<u>P</u>	<u>P(2)</u>	<u>P(2)</u>
<i>Hospital</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Medical Cannabis Dispensary</i>	<u>§§102, 202.2(e)</u>	<u>DR</u>	<u>NP</u>	<u>NP</u>

<i>Philanthropic Admin. Services</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Public Facilities</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Residential Care Facility</i>	<u>§102</u>	<u>P</u>	<u>P(3)</u>	<u>P(3)</u>
<i>Sales and Service Use Category</i>				
<i>Retail Sales and Service Uses*</i>	<u>§§102, 202.2(a)</u>	<u>P</u>	<u>C</u>	<u>NP</u>
<i>Adult Business</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Animal Hospital</i>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Bar</i>	<u>§§102, 202.2(a)</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Gym</i>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u>
<i>Hotel</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<i>Kennel</i>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Liquor Store</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Massage Establishment</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<i>Mortuary</i>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<i>Motel</i>	<u>§§102, 202.2(a)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Restaurant</i>	<u>§§102, 202.2(a)</u>	<u>P(4)</u>	<u>NP</u>	<u>NP</u>
<i>Restaurant, Limited</i>	<u>§§102, 202.2(a)</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
<i>Services, Financial</i>	<u>§102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
<i>Services, Fringe Financial</i>	<u>§102</u>	<u>NP(5)</u>	<u>NP(5)</u>	<u>NP(5)</u>
<i>Services, Instructional</i>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u>
<i>Services, Limited Financial</i>	<u>§102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
<i>Services, Personal</i>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u>
<i>Storage, Self</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Tobacco Paraphernalia Establishment</i>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<i>Non-Retail Sales and Service*</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Design Professional</i>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>NP</u>
<i>Trade Office</i>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>NP</u>
<i>Utility and Infrastructure Use Category</i>				
<i>Utility and Infrastructure*</i>	<u>§102</u>	<u>C(6)</u>	<u>C(6)</u>	<u>C(6)</u>
<i>Power Plant</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<i>Public Utilities Yard</i>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Not listed below

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

(2) C required for 13 or more children

(3) C required for seven or more persons.

1 (4) GROUND FLOOR CONVERSION OF RETAIL TO RESTAURANTS RESTRICTED

2 Boundaries: Valencia Street from 15th Street to 24th Street.

3 Controls: Conversion of existing ground floor retail uses or of ground floor spaces occupied as retail uses at any point within a period of three years prior to submission of a building permit application to Restaurant requires conditional use authorization.

4 (5) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

5 Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial Transit District.

6 Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).

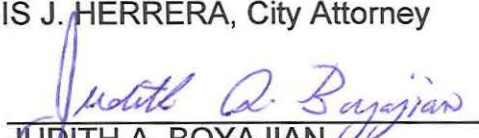
7 (6) C if a Macro WTS Facility; P if a Micro WTS Facility.

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

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

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

20 By:

21 
JUDITH A. BOYAJIAN

22 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Valencia Street Neighborhood Commercial Transit District Zoning Control Table]

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

On July 30, 2017, a reorganization of Article 7 of the Planning Code will become effective. Among other things, this reorganization deleted the existing Zoning Control Tables for all the Neighborhood Commercial and Neighborhood Commercial Transit Districts, renumbered some Districts, and adopted new Tables.

Amendments to Current Law

This ordinance will adopt a new Zoning Control Table for the Valencia Street Neighborhood Commercial District.

Background Information

The Article 7 Reorganization consisted of two interrelated ordinances. One ordinance reorganized Article 7, revised all the Article 7 Zoning Control Tables to match the format of the Tables in Article 2, and made technical and substantive amendments to applicable sections in other Articles to update, correct, clarify, and simplify language. The companion ordinance deleted all the existing Article 7 Zoning Control Tables, the definitions that were added to Section 102 in the Article 2 reorganization legislation but temporarily left in Article 7, and other text that became outdated with the enactment of the Article 2 reorganization legislation. During the legislative process, the new Zoning Control Table for the Valencia Street Neighborhood Commercial Transit District was dropped inadvertently but the existing Table was deleted in the companion ordinance. This ordinance adds the new Zoning Control Table.

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