

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: *JW*
ADV Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: March 26, 2018

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. 180267

Ordinance amending the Planning Code to limit hotel uses in the Telegraph Hill - North Beach Residential Special Use District and the North Beach Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, 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

1 [Planning Code - Hotel Uses in North Beach]

2
3 **Ordinance amending the Planning Code to limit hotel uses in the Telegraph Hill - North**
4 **Beach Residential Special Use District and the North Beach Neighborhood Commercial**
5 **District; affirming the Planning Department's determination under the California**
6 **Environmental Quality Act; making findings of consistency with the General Plan, and**
7 **the eight priority policies of Planning Code, Section 101.1, and findings of public**
8 **necessity, convenience, 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. Environmental and Land Use 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. The Board affirms this
22 determination.

23 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
4 Planning Code amendments will serve the public necessity, convenience, and welfare for the
5 reasons set forth in Planning Commission Resolution No. _____, and the Board incorporates
6 such reasons herein by reference. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. _____, and is incorporated herein by reference.

8
9 Section 2. The Planning Code is hereby amended by revising Sections 249.49 and
10 722, to read as follows:

11
12 **SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE**
13 **DISTRICT.**

14 (a) **Purposes.** To regulate the amount of off-street parking and limit the installation of
15 garages in all residential structures in order to ensure that they do not increase the level of
16 automobile traffic, increase pollution, cause the removal of on-street parking spaces, or impair
17 pedestrian use on narrow public rights-of-ways in the District; ~~and~~ to preserve existing
18 affordable housing by preventing the addition of off-site parking, which provides an incentive
19 to convert existing affordable residential buildings to market-rate housing; *and to limit the*
20 *proliferation of new Hotels, in order to remove the incentive to convert existing sites in the District to*
21 *Hotel use, which would disrupt the quiet enjoyment of the neighborhood by existing residents.*

22 (b) **Applicability.** The ~~provisions~~ *controls in Sections 249.49(c)(1) and 249.49(c)(2)* of this
23 Special Use District shall apply to the RH and RM zoned parcels within the area bounded by
24 Bay Street on the north, The Embarcadero and Sansome Street on the east, Broadway on the
25 south, and Columbus Avenue on the west, as shown on Sectional Map SU01 of the Zoning

1 Map. The controls in Section 249.49(c)(3) of this Special Use District shall apply to all parcels within
2 the Telegraph Hill-North Beach Residential Special Use District, bounded by Bay Street on the north,
3 The Embarcadero and Sansome Street on the east, Broadway on the south, and Columbus Avenue on
4 the west, as shown on Sectional Map SU01 of the Zoning Map.

5 (c) **Controls.**

6 (1) **Number of Off-Street Residential Parking Spaces.** Up to three cars for
7 each four dwelling units is a Permitted use; up to one car for each dwelling unit requires a
8 Conditional use, subject to the criteria and procedures of Section 151.1(f); above one car for
9 each dwelling unit is Not Permitted.

10 (2) **Installation of a Parking Garage.** Installation of a garage in an existing or
11 proposed residential building of two or more units requires a mandatory discretionary review
12 hearing by the Planning Commission. In order to approve the installation of any garage in
13 these districts, the Commission shall find that: (1) the proposed garage opening/addition of
14 off-street parking will not cause the elimination or reduction of ground-story retail or
15 commercial space; (2) the proposed garage opening/addition of off-street parking will not
16 eliminate or decrease the square footage of any dwelling unit; (3) the building has not had two
17 or more evictions within the past 10 years, with each eviction associated with a separate
18 unit(s), (4) the garage would not front on an Alley pursuant to Section 155(r)(2) of this Code or
19 on a public right-of-way narrower than 41 feet, and (5) the proposed garage/~~or~~ addition of off-
20 street parking is consistent with the Priority Policies of Section 101.1 of this Code.

21 Prior to issuance of any required notification under Section 311 or 312 of this
22 Code, the Department shall require a signed affidavit by the project sponsor attesting to (1),
23 (2), and (3) above, which the Department shall independently verify, and the Department shall
24 determine whether the project complies with (4) and (5) above. If the project sponsor does
25 not provide such signed affidavit, or the garage would front on an Alley or public right-of-way

narrower than 41 feet, the Department shall disapprove the application and no Planning Commission hearing shall be required.

*(3) **Hotels.** Hotel uses shall not be permitted within the Telegraph Hill-North Beach Residential Special Use District, except that Hotel uses may be permitted as a Conditional Use through the procedures set forth in Section 303 of this Code only if the Zoning Administrator first determines that the proposed new Hotel use would occupy a space that is currently or was last legally occupied by a Hotel use; provided that its last Hotel use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new Hotel use will not enlarge the space; and provided further that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.*

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARD AND USES				

* * * *

		Controls by Story		
		1st	2nd	3rd+

* * * *

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP

1	Adult Business	§ 102	NP	NP	NP
2	Animal Hospital	§§ 102	C	NP	NP
3	Bar	§§ 102, 202.2(a), 780.3	C(5)(6)	NP	NP
4					
5	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
6	Hotel	§ 102	CNP(12)	CNP(12)	CNP(12)

7 * * * *

8 (12) HOTEL USES IN NORTH BEACH

9 **Boundaries:** *North Beach Neighborhood Commercial District.*

10 **Controls:** *Hotel uses shall not be permitted within the North Beach Neighborhood Commercial*
11 *District, except that Hotel uses may be permitted as a Conditional Use through the procedures set forth*
12 *in Section 303 of this Code only if the Zoning Administrator first determines that the proposed new*
13 *Hotel use would occupy a space that is currently or was last legally occupied by a Hotel use; provided*
14 *that its last Hotel use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d)*
15 *of this Code and that the proposed new Hotel use will not enlarge the space; and provided further that*
16 *no Conditional Use shall be required if the use remains the same as the prior authorized use, with no*
17 *enlargement or intensification of use.*

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

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24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

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numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: 
PETER R. MILJANICH
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Hotel Uses in North Beach]

Ordinance amending the Planning Code to limit hotel uses in the Telegraph Hill - North Beach Residential Special Use District and the North Beach Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code regulates development in the City, including setting forth requirements for permitted uses. Sections 235 through 249.99 of the Planning Code establish various Special Use Districts.

Hotel uses are conditionally permitted uses in the North Beach Neighborhood Commercial District.

The provisions of the Telegraph Hill – North Beach Residential Special Use District do not currently limit Hotel uses. Hotel uses are instead regulated by each parcel's underlying zoning. This Residential Special Use District has 4 different underlying zoning controls. In C and RC districts, Hotel uses are conditionally permitted uses. In RH and RM districts, Hotel uses are conditionally permitted uses for five or fewer guest rooms or suites of rooms, and Hotels containing six or more guest rooms are not permitted.

Amendments to Current Law

This legislation would restrict Hotel uses on all parcels within the boundaries of the North Beach Neighborhood Commercial District and the Telegraph Hill – North Beach Residential Special Use District, as follows:

Hotel uses shall not be permitted, except that Hotel uses may be permitted as a Conditional Use through the procedures set forth in Section 303 of this Planning Code only if the Zoning Administrator first determines that the proposed new Hotel use would occupy a space that is currently or was last legally occupied by a Hotel use; provided that its last Hotel use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Planning Code and that the proposed new Hotel use will not enlarge the space; and provided further that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.

FILE NO. 180267

Proposed new Hotel uses could not enlarge the space. No Conditional Use would be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.

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