



SAN FRANCISCO PLANNING DEPARTMENT

March 6, 2020

Ms. Angela Calvillo, Clerk
Honorable Supervisor Yee
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Transmittal of Planning Department Case Number 2020-000083PCA:
Ocean Avenue Lot Mergers, Neighborhood Notice, and Zoning Controls
Board File No. 191285
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Yee,

On February 20, 2020, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Yee that would amend the Planning Code to require consideration of smaller commercial spaces when creating large lots, limit lot frontages to 50 feet on Ocean Avenue, create an exception from neighborhood notices for certain uses in the Ocean Avenue Neighborhood Commercial Transit District and add Arts Activity as a use to the District. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

- Eliminate the requirement that lot mergers resulting in a frontage width of greater than 50 feet within the Ocean Avenue Neighborhood Commercial Transit District must also create a corner lot when seeking Conditional Use authorization
- Principally permit Flexible Retail at all stories within the Ocean Avenue NCT
- Clarify Ordinance language

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.

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Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:

Austin M Yang, Deputy City Attorney
Jen Low, Aide to Supervisor Yee
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. 20660

HEARING DATE FEBRUARY 20, 2020

Project Name: Ocean Avenue Lot Mergers, Neighborhood Notice, and Zoning Controls
Case Number: 2020-000083PCA [Board File No. 191285]
Initiated by: Supervisor Yee/ Introduced December 17, 2019
Staff Contact: **Diego Sanchez**, 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

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RESOLUTION APPROVING A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE PLANNING CODE TO REQUIRE CONSIDERATION OF SMALLER COMMERCIAL SPACES WHEN CREATING LARGE LOTS, LIMITING LOT FRONTAGES TO 50 FEET ON OCEAN AVENUE, CREATING AN EXCEPTION FROM NEIGHBORHOOD NOTICES FOR CERTAIN USES IN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, AND ADDING ARTS ACTIVITY AS A USE TO THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on December 17, 2019, Supervisor Yee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 191285, which would amend the Planning Code to require consideration of smaller commercial spaces when creating large lots, limiting lot frontages to 50 feet on Ocean Avenue, creating an exception from neighborhood notices for certain uses in the Ocean Avenue Neighborhood Commercial Transit District, and adding Arts Activity as a use to the Ocean Avenue Neighborhood Commercial Transit District;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 20, 2020; 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

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. Modifications include:

1. Eliminate the requirement that lot mergers resulting in a frontage width of greater than 50 feet within the Ocean Avenue Neighborhood Commercial Transit District must also create a corner lot when seeking Conditional Use authorization.
2. Principally permit Flexible Retail at all stories within the Ocean Avenue NCT.
3. Clarify Ordinance language.

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. It is imperative that the City continually update its retail corridor regulations in response to changes in the retail sector. This includes reducing permit processing times for uses that consumers prefer as well as encouraging larger developments to include smaller tenant spaces.
2. Amending the Ocean Avenue Neighborhood Commercial Transit District lot merger regulations to allow lot mergers on Ocean Avenue is beneficial because it provides flexibility for new development on Ocean Avenue and brings the lot merger regulations in conformity with the lot merger controls for other neighborhood commercial districts in the City.
3. **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.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed Ordinance would help attract neighborhood serving uses, like eating and drinking uses, to the Ocean Avenue NCT by reducing permit review timelines. These uses are often small businesses responding to the latest changes in the marketplace.

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 3.1

Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3.3

Develop centers to serve an identifiable neighborhood.

Policy 3.4

Locate neighborhood centers so they are easily accessible and near the natural center of activity.

The proposed Ordinance would amend land use controls regulating active ground floor uses to assure that compatible neighborhood centers and other community facilities are allowed within the Ocean Avenue NCT.

ARTS ELEMENT

OBJECTIVE I-2

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

Policy I-2.2

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

Allowing Arts Activities in the Ocean Avenue NCT will help attract visitors, tourists and residents to the neighborhood's principal retail corridor. This helps support and promote arts activities there as well.

OBJECTIVE IV-1

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy IV-1.1

Review, revise and coordinate city permit policies and codes to better meet the needs of the arts.

By removing a prohibition on Arts Activities in the Ocean Avenue NCT, the proposed Ordinance helps to better meet the needs of the arts

BALBOA PARK STATION AREA PLAN

OBJECTIVE 1.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

Policy 1.2.2

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

Policy 1.2.3

Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

By loosen restrictions on lot mergers as well as on the permit review procedures on neighborhood serving businesses, the proposed Ordinance would encourage mixed-use infill and attract new businesses to address the retail and service needs of local neighborhoods. This is also accomplished by removing the prohibition on Arts Activities uses in the Ocean Avenue NCT.

4. **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 beneficial effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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 Planning Code amendments that can help enhance neighborhood character and preserve the economic diversity of Ocean Avenue.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would have a beneficial effect on the City's supply of affordable housing as it proposes changes to the lot merger controls on Ocean Avenue that could result in an enhanced affordable housing supply.

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 concerns itself with changes to the regulations on retail uses as well as on lot consolidation.

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 because the Ordinance amends Planning Code regulations on retail uses as well as on the merging of lots.

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 because the Ordinance amends Planning Code controls on the review of retail uses as well as on the merging of lots.

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 not have an adverse effect on the City's parks and open space and their access to sunlight and vistas because the Ordinance only concerns itself with Planning Code regulations on the permissibility of retail uses and on the consolidation of lots.

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

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 20, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

NOES: None

ABSENT: Richards

ADOPTED: February 20, 2020



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: FEBRUARY 20, 2020
90-DAY DEADLINE: MARCH 22, 2020

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Case Number: 2020-000083PCA [Board File No. 191285]
Initiated by: Supervisor Yee / Introduced December 17, 2019
Staff Contact: Diego Sanchez, 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: **Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to require consideration of smaller commercial spaces when creating large lots, limit lot frontages to 50 feet on Ocean Avenue, create an exception from neighborhood notices for certain uses in the Ocean Avenue Neighborhood Commercial Transit (NCT) District and add Arts Activity as a use to the Ocean Avenue Neighborhood Commercial Transit District.

The Way It Is Now

New construction or significant enlargement of existing buildings on lots that exceed the lot size limits in Table 121.1 require Conditional Use authorization. As part of the authorization the Planning Commission considers two criteria concerning the mass and façade of the proposed improvements.

Within the Ocean Avenue NCT District, lot mergers that increase the frontage width of any lot on Ocean Avenue are prohibited except for those lot mergers that (1) the Zoning Administrator (ZA) may administratively exempts or (2) that secure Conditional Use authorization and that create a corner parcel for the purposes of accommodating access to off-street parking from a cross street to Ocean Avenue.

The Way It Would Be

As part of an authorization to allow new construction or significant enlargement of existing buildings on lots that exceed the lot size limits in Table 121.1, the Planning Commission would consider a third criteria. This third criteria would be whether at least one commercial space of 1,000 square feet or smaller is included in a project that adds 5,000 or more gross square feet of commercial space.

In the Ocean Avenue NCT lot mergers that result in a lot frontage on any street of up to 50 feet would be allowed. Lot mergers that result in a lot frontage greater than 50 feet would be allowed only if (1) the ZA administratively exempts the merger or (2) if Conditional Use authorization is secured and the merger creates a corner lot.

Changing the use of a property in the Ocean Avenue NCT to any of the uses listed below is subject to the notification requirements and requests for Planning Commission Review under Planning Code Section 311:

- Adult Business
- Bar
- Cannabis Retail
- General Entertainment
- Group Housing
- Limited Restaurant
- Liquor Store
- Massage Establishment
- Medical Cannabis Dispensary
- Nighttime Entertainment
- Outdoor Activity Area
- Post-Secondary Educational Institution
- Private Community Facility
- Public Community Facility
- Religious Institution
- Residential Care Facility
- Restaurant
- School
- Tobacco Paraphernalia Establishment
- Trade School
- Wireless Telecommunications Facility

Within the Ocean Avenue NCT, the uses listed below would no longer be subject to the notification requirements and requests for Planning Commission Review under Planning Code Section 311:

- General Entertainment
- Limited Restaurant
- Nighttime Entertainment
- Outdoor Activity Area
- Private Community Facility
- Public Community Facility
- Restaurant
- Tobacco Paraphernalia Establishments

Within the Ocean Avenue NCT the ground floor commercial uses requirement in Section 145.4 apply. This regulation requires active uses, as defined in Table 145.4, to be located at the ground floor of properties. Arts Activities, Nighttime Entertainment or Institutional Community uses are not included in Table 145.4 and are not considered active uses.

For the purposes of complying with Section 145.4, within the Ocean Avenue NCT Arts Activities, Nighttime Entertainment and Institutional Community uses would be considered active uses.

Arts Activities are not allowed within the Ocean Avenue NCT.

Art Activities would be allowed below the Third Story within the Ocean Avenue NCT.

ISSUES AND CONSIDERATIONS

Permit Review Procedures for changes in use

Planning Code Section 311 (§311) establishes the review procedures for building permit applications (BPA) proposing a change from one land use activity to another. §311 indicates that a change to any of the following uses is a change of use in the City’s Neighborhood Commercial Districts:

- Adult Business
- Bar
- Cannabis Retail
- General Entertainment
- Group Housing
- Limited Restaurant
- Liquor Store
- Massage Establishment
- Medical Cannabis Dispensary
- Nighttime Entertainment
- Outdoor Activity Area
- Post-Secondary Educational Institution
- Private Community Facility
- Public Community Facility
- Religious Institution
- Residential Care Facility
- Restaurant
- School
- Tobacco Paraphernalia Establishment
- Trade School
- Wireless Telecommunications Facility

§311 requires Planning Department staff (Staff) to review the BPA and coordinate with Planning Department administrative staff to issue a required written notice. Written notice is sent to property owners and occupants within 150 feet of the project site as well as to interested neighborhood organizations. This process, given existing Staff workload and the 30-day notice period, often takes 90 to 120 days to complete. While this is shorter than the typical Conditional Use authorization (CU) process, it is lengthy for principally permitted uses that could be approved over the counter if not for the §311 notification.

Adjusting to the changes in the Retail Sector

In 2018, the San Francisco Office of Economic and Workforce Development (OEWD) released the State of the Retail Sector: Challenges and Opportunities for San Francisco’s Neighborhood Commercial Districts report (Report).¹ Among other issues, the Report investigated changes in the retail, restaurant and personal service industries (Retail Sector) as well as the components constituting a successful San Francisco retail corridor.

Changes in the Retail Sector

The Report noted a shift in consumer spending toward experiences and away from objects. The rise of e-commerce is at least partially responsible for this shift. As part of this shift, the Report found sales at eating and drinking establishments increasing. The Report also notes a growth in interest for ground floor tenant spaces on the part of Retail Sector uses.

Components of a successful retail corridor

The Report found five factors that contribute to a retail corridor success. Those factors are: Trade Area Characteristics, Anchors and Mix of Uses, Physical Form and Built Environment, Transportation and Access, and District Management Capacity.

¹ State of the Retail Sector: Challenges and Opportunities for San Francisco’s Neighborhood Commercial Districts. Strategic Economics. February 15, 2018

<https://oewd.org/sites/default/files/Invest%20In%20Neighborhoods/State%20of%20the%20Retail%20Sector%20-%20Final%20Report.pdf>

An anchor is a use, retail or non-retail, which attracts foot traffic to the retail corridor. Anchor uses include grocery stores, a cluster of related retail stores or eating and drinking uses, or a civic, cultural, entertainment or institutional use. The presence of anchor uses in a retail corridor is important as they drive sales in a retail corridor. Often shoppers will visit other, smaller business in retail corridor during the same trip that they visit the anchor use.

Regarding a mix of uses, the Report recommends a retail corridor include goods and services that serve daily needs as well as for comparison shopping; personal services, eating and drinking uses, and entertainment uses; independent and Formula Retail uses; ground floor uses that reflect community character; affordable neighborhood-serving goods, services, and experiences; and some amount of office and housing uses. This mix is recommended because businesses rely on each other and other uses to generate foot traffic. For example, an individual may come to a retail corridor to buy groceries or attend a cultural event, but also stay to shop at other corridor businesses. It is important that a retail corridor capture this synergy between establishments, be they anchors or otherwise.

The Report also mentions the contribution that a diverse building stock has on a successful retail corridor. A mix of building ages, architectural styles and a variety of storefront sizes help draw shoppers to the retail corridor. The Report notes that a mix of large and small storefronts allows for a diverse range of businesses.

It is imperative that the City's retail corridors respond to these changes in the Retail Sector and consumer preferences. One way to do this is by facilitating the entry of foot-traffic generating uses by simplifying the permitting process. This includes eliminating written notice requirements for uses providing the goods and services consumers seek. The proposed Ordinance seeks to do this for multiple experience-based uses such as eating and drinking establishments, entertainment uses and community facilities. The Ordinance also removes the prohibition on Arts Activities uses in the Ocean Avenue NCT, adding yet another foot-traffic generating activity to the retail corridor. Further, the proposed Ordinance is also encouraging smaller retail spaces in new, larger development, which also helps provide a diversity of uses to the Ocean Avenue NCT.

Lot Merger controls in Neighborhood Commercial Districts (NCDs)

The Planning Code regulates merged lot frontages in the City's NCDs to ensure a fine-grained scale of development and avoid large single structures that are superficially treated.² Of the NCDs with merged lot frontage limits, the Ocean Avenue NCT is an anomaly because its regulations are so severe. In the Ocean Avenue NCT lot mergers of any size are prohibited, excepting two situations. One is if a strictly defined Zoning Administrator (ZA) waiver is secured. The other is if a Conditional Use authorization is secured, and then only under specific conditions including if the lot merger creates a corner lot providing off-street parking access. The proposed Ordinance seeks to address this anomaly by opening a path for lot mergers resulting in a frontage width of up to 50 feet. For lot mergers resulting in a frontage greater than 50 feet, the existing the ZA and CU paths would remain.

While an improvement, this level of regulation may still be undesirably restrictive to mid-block parcel assembly. This is especially true for housing development, as it is often necessary to assemble parcels that

² Planning Code Section 121.7

span more than 50 feet but that are not at an intersection of two streets. In this light, it seems preferable to loosen lot merger regulations to allow mid-block parcel assembly. Concerns over compatibility may be addressed by the recently adopted Urban Design Guidelines (UDG).³ The UDG contain multiple guidelines that help direct building design toward compatibility, visual interest and street level activation. These include guidelines for creating a defined and active streetwall; modulating buildings vertically and horizontally; harmonizing building designs with neighboring scale and materials; and design active building fronts.⁴

General Plan Compliance

The proposed Ordinance aligns with several of the City's General Plan objectives and policies. For example, the proposed Ordinance satisfies the Commerce and Industry Element's goals for maintaining and strengthening neighborhood commercial areas by facilitating the entry of neighborhood serving uses into the Ocean Avenue NCT. The Community Facilities Element's goal of assuring access to needed services is also met through the proposed Planning Code amendments. Last, goals to increase access to the arts in the City's Art Element and Balboa Park Station Area Plan are met by removing the prohibition on Arts Activities uses in the Ocean Avenue NCT.⁵

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the Office of Racial Equity, which will require all Departments to conduct this analysis.

The Planning Code amendments in the proposed Ordinance can potentially improve racial and social equity in San Francisco. The proposed changes to the permit review procedures for eating and drinking establishments, entertainment uses and community facilities, and the removal of the prohibition on Arts Activities in the Ocean Avenue NCT can help to the extent communities of color seek to locate their establishments on Ocean Avenue. Easing restrictions on lot mergers can help improve housing equity to the extent that it facilitates the development of deed restricted affordable housing on Ocean Avenue. Given that income inequality is persistently based along race and ethnicity in the US, it is likely that communities of color will be eligible in high numbers for deed restricted affordable housing.

³ Urban Design Guidelines, Adopted March 22, 2018

https://default.sfplanning.org/plans-and-programs/planning-for-the-city/Urban-Design-Guidelines/Urban_Design_Guidelines.pdf

⁴ Guidelines S5: Create a Defined and Active Streetwall, A2: Modulate Buildings Vertically and Horizontally; A3: Harmonize Building Designs with Neighboring Scale and Materials; and A8: Design Active Building Fronts

⁵ See the Draft Resolution for specific General Plan Compliance

It appears that the proposed Planning Code amendments alone are not certain to improve racial and social equity. Supplementing the Planning Code changes with proactive programmatic efforts that foster, attract and promote entrepreneurs from communities of color is an additional strategy that can help further racial and social equity.

Implementation

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

RECOMMENDATION

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

1. Eliminate the requirement that lot mergers resulting in a frontage width of greater than 50 feet within the Ocean Avenue NCT must also create a corner lot when seeking CU.
2. Clarify Ordinance language.

BASIS FOR RECOMMENDATION

The Department supports the Ordinance for multiple reasons. First, the Ordinance amends the Ocean Avenue NCT zoning control table in ways that respond to current trends in the Retail Sector. This helps assure Ocean Avenue remains a vital retail corridor. Second, the Ordinance encourages that larger developments consider adding smaller Non-Residential tenant spaces. This helps add a mix of uses to the Ocean Avenue retail corridor given that tenant space size often dictates possible tenants. Last, the Ordinance normalizes the Ocean Avenue NCT lot merger regulations, allowing lot mergers to occur, just like every other NCD. In a similar vein, Staff is recommending modifications that will further normalize the lot merger regulations in the Ocean Avenue NCT and is proposing clarifications to the Ordinance language:

Recommendation 1: Eliminate the requirement that lot mergers resulting in a frontage width of greater than 50 feet within the Ocean Avenue NCT must also create a corner lot when seeking CU. Removing the corner lot creation requirement moves the Ocean Avenue NCT lot merger controls into conformity with all other lot merger controls for NCDs. It also provides flexibility for mid-block properties seeking to consolidate lots with the aim of developing housing at the stories above the street level. Further, fears of the incompatibility of new development can be addressed through the application of the Urban Design Guidelines. These provide ample direction for designing buildings that respond to their context and users.

Recommendation 2: Clarify Ordinance language. As part of the amendments, the Ordinance uses vague terms such as "commercial" and "square footage." For implementation purposes it makes sense that in their place the terms "Non-Residential" and "Gross Square Feet" be used because they are specific and found in the Planning Code's list of defined terms.

In addition, the proposed language regulating lot mergers in the Ocean Avenue NCT District should closely mirror that of other subsections regulating lot mergers in other NCDs. At the very least the proposed language should refer to restrictions on resultant lot frontage width.

Last, Staff is recommending that the changes in the Ocean Avenue NCT zoning control table be cross referenced to other Planning Code sections, including Planning Code Section 145.4.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

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.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 191285