



SAN FRANCISCO PLANNING DEPARTMENT

December 6, 2010

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

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San Francisco,
CA 94103-2479

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415.558.6377

Re: Transmittal of Planning Case Number CASE NO. 2010.0965T to the Board of Supervisors File No. 10-1091: Van Ness Avenue SUD: Other Entertainment

Recommendation: Approval

Dear Ms. Calvillo,

On December 2, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance. At the hearing, the Commission voted 5-0 to recommend approval.

Please find attached resolution which provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "AM-Rodgers".

AnMarie Rodgers
Manager of Legislative Affairs

Cc: Supervisor Alioto-Pier

Attachments (one copy of the following):
Planning Commission Resolution No. 18232



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18232 Planning Code Text Changes HEARING DATE: DECEMBER 2, 2010

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Project Name: Van Ness Avenue SUD "Entertainment Uses"
Case Number: 2010.0965T
Initiated by: Supervisor Alioto-Pier (BOS File No. 10-1091)
Initiated: August 10, 2010
Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257
Reviewed by: David Lindsay, Team Leader, NW Quadrant
david.lindsay@sfgov.org, 415-558-6393
90-day Deadline: December 2, 2010

Recommendation: **Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE THAT WOULD AMEND THE PLANNING CODE SECTION 243 TO REQUIRE A CONDITIONAL USE AUTHORIZATION FOR "OTHER ENTERTAINMENT" USES IN THE VAN NESS AVENUE SPECIAL USE DISTRICT; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND PLANNING CODE SECTION 101.1 FINDINGS.

PREAMBLE

Whereas, on August 10, 2010, Supervisor Alioto-Pier introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1091; and

Whereas, the proposed Ordinance would amend Planning Code Section 243 to require a Conditional Use Authorization for "Other Entertainment" uses in the Van Ness Avenue Special Use District; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance on December 2, 2010; 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

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, the 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* the proposed ordinance.

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. The Van Ness SUD is silent on the regulation of Other Entertainment uses and the underlying RC-4 controls apply. Those controls in turn refer to the controls of the nearest NC District.
2. There are several nearby NC Districts which dictate the applicable controls for commercial establishments within the Van Ness SUD: Polk Street NCD to the east, an NC-3 Cluster to the southeast, and a pocket of NCT-3 zoning at the southeast perimeter of the SUD. These districts have different controls for Other Entertainment Uses.
3. The various controls for this use within the Van Ness SUD create an inconsistent regulatory process and do not treat all applications in a similar fashion. Given the relatively uniform character of development within the Van Ness SUD, one standard control should apply throughout.
4. A Conditional Use Authorization not only affords a reasonable level of scrutiny given the potential for impacts associated with Other Entertainment uses but is also the dominant *current* land use control in the SUD.
5. A Conditional Use Authorization will allow the Planning Commission to determine, on a case-by-case basis, whether a particular Other Entertainment Use is necessary and desirable for the neighborhood, and it allows for community input. The Department supports the proposed amendment.
6. Therefore, the Commission recommends *approval of the proposed Ordinance*.
7. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan

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 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

8. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would help neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses by applying consistent zoning use controls throughout the RC Districts and the Van Ness SUD.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and will help preserve neighborhood character by requiring a Conditional Use Authorization for Other Entertainment Uses

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance will not impact historic buildings.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on December 2, 2010.



Linda D. Avery
Commission Secretary

AYES: Miguel, Olague, Antonini, Borden, Sugaya

NOES:

ABSENT: Moore

ADOPTED: December 2, 2010