BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: March 1, 2024

To: Planning Department/Planning Commission

From: John Carroll, Assistant Clerk, Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 240173
Planning Code, Zoning Map - Residential Enclave-Mixed District, Rezone 135 Kissling Street

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
- ☒ Ordinance / Resolution
- ☐ Ballot Measure

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)

☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
- ☐ Landmark *(Planning Code, Section 1004.3)*
- ☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
- ☐ Mills Act Contract *(Government Code, Section 50280)*
- ☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

City and County of San Francisco
Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240173 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: **Effective:**

Version: 1 **In Control:** Land Use and Transportation Committee

File Name: Planning Code, Zoning Map - Residential Enclave-Mixed District, Rezone 135 Kissling Street **Date Introduced:** 02/27/2024

Requester: **Cost:** **Final Action:**

Comment: **Title:** Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Sponsor: Dorsey

History of Legislative File 240173

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	02/27/2024	ASSIGNED UNDER 30 DAY RULE	Land Use and Transportation Committee	03/28/2024	

[Planning Code, Zoning Map - Residential Enclave-Mixed District, Rezone 135 Kissling Street]

Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX; and 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

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

Section 1. Environmental and Land Use Findings.

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

(b) On _____, the Planning Commission, in Resolution No. _____, recommended the proposed Zoning Map amendments for approval and adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The 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. _____, and is incorporated herein by reference.

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

Section 2. Article 8 of the Planning Code is hereby amended by revising Sections 803.9, 827, 829, and 835 to read as follows:

SEC. 803.9. COMMERCIAL USES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(b) **Preservation of Historic Buildings within Certain Eastern Neighborhoods Mixed Use Districts.** The following controls are intended to support the economic viability of buildings of historic importance within Eastern Neighborhoods.

* * * *

(2) **RED and RED-MX Districts.** This subsection (b)(2) applies only to buildings in RED and RED-MX Districts that are a designated landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV pursuant to Article 11 of this

Code and located within the Extended Preservation District, or a building listed in or determined individually eligible for the National Register of Historic Places or the California Register of Historical Resources by the State Office of Historic Preservation.

(A) Arts Activities, Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School uses are principally permitted, and Retail Sales and Services uses and Office Uses as defined in Section ~~*890.70*~~*102*, are permitted only with Conditional Use authorization, pursuant to Planning Code Section 303, provided that:

* * * *

(3) **WMUG District.** This subsection (b)(3) applies only to buildings in the WMUG District that are a designated landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV pursuant to Article 11 of this Code and located within the Extended Preservation District, or a building listed in or determined individually eligible for the National Register of Historic Places or the California Register of Historical Resources by the State Office of Historic Preservation.

(A) Office uses, as defined in Planning Code Section ~~*890.70*~~*102*, are principally permitted, provided that:

* * * *

SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

* * * *

Table 827

RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
Building and Siting Standards			
.10	Height and Bulk	§§ 102.~~12~~, 105, 106, 250 - 252, 260, 270	Varies 45 - 550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
* * * *			
.17	Awning	§ 136.*1*~~2~~(a)	P
.18	Canopy	§ 136.*1*~~2~~(b)	P
.19	Marquee	§ 136.*1*~~2~~(c)	P

Non-Residential Standards and Uses			
.20	Required Residential to Non-Residential Use Ratio	§ 102.~~*10*~~	Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 825(c)(2).
* * * *			
.33	Nighttime Entertainment	§§ 102.~~*17*~~, 803.5(g)	C
* * * *			
Residential Standards and Uses			

* * * *			
.54	Large-Scale Urban Agriculture	§ 102~~.35(b)~~	C
* * * *			

* * * *

SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).

* * * *

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

No.	**Zoning Category**	**§ References**	***South Beach Downtown Residential Mixed Use District Zoning Controls***
Building and Siting Standards			
.10	Height and Bulk	§§ 102~~.12~~, 105, 106, 250 - 252, 260, 270	Varies 40 - 200 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
* * * *			
.17	Awning	§ 136.*1*~~2~~(a)	P
.18	Canopy	§ 136.*1*~~2~~(b)	P
.19	Marquee	§ 136.*1*~~2~~(c)	P
Non-Residential Standards and Uses			

.20	Required Residential to Non-Residential Use Ratio	§ 102~~.10~~	Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 825(c)(2).
* * * *			
.30b	Residential Care Facility	§ 102	P
* * * *			
.33	Nighttime Entertainment	§§ 102~~.17~~, 803.5(b)	C
* * * *			
Residential Standards and Uses			
* * * *			
.51	Residential Conversions	§ ~~790.84~~317, Ch. 41 Admin. Code	C
.52	Residential Demolition	§ 317	C
.53	Large-Scale Urban Agriculture	§ 102~~.35(b)~~	C
* * * *			

* * * *

SEC. 835. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

*** * * ***

Table 835

RED-MX – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Residential Enclave-Mixed District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
Automotive Uses*	§ 102	NP
Automotive Repair	§ 102	P(3)
Private Parking Garage	§ 102	C
Vehicle Storage Lot	*§ 102*	*C*
Vehicle Storage Garage	§ 102	C
* * * *		

* * * *

Section 3. The Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Zoning Use District Map ZN07 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Current Zoning to be Superseded	Proposed Zoning to be Approved
Assessor's Parcel Block No. 3516, Lot No. 068	RED	RED-MX

Section 4. 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.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, 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:
DAVID CHIU, City Attorney

By: /s/ HEATHER L. GOODMAN
HEATHER L. GOODMAN
Deputy City Attorney

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FILE NO. 240173

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Residential Enclave-Mixed District, Rezone 135 Kissling Street]

Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

In the Planning Code, different uses are permitted, conditionally permitted, or not permitted in various zoning districts covering a geographic area. For each zoning district, the Planning Code specifies the allowable or prohibited uses, and often describes relevant terms and definitions by cross-referencing other sections of the Planning Code.

A mix of uses are permitted or conditionally permitted in the Residential Enclave-Mixed (RED-MX) district, including residential, retail, and some automotive uses. In the zoning control table for this district, only specified automotive uses are permitted or conditionally permitted, and all other automotive uses are not permitted. Currently, vehicle storage lots are not specifically listed as permitted, therefore appear to be not permitted under existing law.

Under existing law, the parcel located at 135 Kissling Street is zoned Residential Enclave (RED), where automotive uses are not permitted. Certain parcels adjacent to 135 Kissling Street have been rezoned to RED-MX.

Amendments to Current Law

Pursuant to this ordinance, various cross-references to other sections of the Planning Code would be updated and corrected. These changes are technical only and do not make substantive changes to which uses are allowed or prohibited.

In the RED-MX District, this ordinance would specifically list vehicle storage lots as conditionally permitted.

The parcel located at 135 Kissling Street would be rezoned from RED to RED-MX. The zoning controls applicable in the RED-MX district would apply to the parcel instead of the zoning controls applicable to the RED district.

Background Information

In Ordinance No. 70-23, Article 8 of the Planning Code was reorganized, with several sections deleted and re-adopted in a new format. This reorganization affected each of the sections included in this ordinance. This ordinance makes updates and corrections needed following the reorganization in Ordinance No. 70-23, including updating cross-references and inserting inadvertently omitted text that vehicle storage lots are to be conditionally permitted in the RED-MX district.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- [x] 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- [ ] 2. Request for next printed agenda (For Adoption Without Committee Reference)
  (Routine, non-controversial and/or commendatory matters only)
- [ ] 3. Request for Hearing on a subject matter at Committee
- [ ] 4. Request for Letter beginning with "Supervisor _____ inquires…"
- [ ] 5. City Attorney Request
- [ ] 6. Call File No. _____ from Committee.
- [ ] 7. Budget and Legislative Analyst Request (attached written Motion)
- [ ] 8. Substitute Legislation File No. _____
- [ ] 9. Reactivate File No. _____
- [ ] 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Dorsey

Subject:

Planning Code, Zoning Map - Residential Enclave-Mixed District, Rezone 135 Kissling Street

Long Title or text listed:

Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Block 3516, Lot 068, from Residential Enclave (RED) to RED MX; and 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Signature of Sponsoring Supervisor: Matt Dorsey