San Francisco Planning

49 South Van Ness Avenue, Suite 1400
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June 7, 2024

Ms. Angela Calvillo, Clerk
Honorable Supervisor Dorsey
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 2024-001873PCA:
Residential Enclave-Mixed District, Rezone 135 Kissling Street
Board File No. 240173

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Supervisor Dorsey,

On May 23, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Dorsey. The proposed ordinance would amend the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and update citations and cross-references in the text and tables of specified Mixed Use Districts. The ordinance would also amend the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modification is to expand the scope of the ordinance to also Conditionally permit Vehicle Storage Lots in the WMUG District.

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.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: Heather L. Goodman, Deputy City Attorney
Madison Tam, Aide to Supervisor Dorsey
John Carroll, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary

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PLANNING COMMISSION RESOLUTION NO. 21566

HEARING DATE: May 23, 2024

Project Name:	Residential Enclave-Mixed District, Rezone 135 Kissling Street
Case Number:	2024-001873PCA/MAP [Board File No. 240173]
Initiated by:	Supervisor Dorsey / Introduced February 27, 2024
Staff Contact:	Audrey Merlone, Legislative Affairs Audrey.Merlone@sfgov.org 628-652-7534
Reviewed by:	Dan Sider, Chief of Staff dan.sider@sfgov.org, 628-652-7539

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CONDITIONALLY PERMIT VEHICLE STORAGE LOTS IN THE RESIDENTIAL ENCLAVE-MISED (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.

WHEREAS, on February 27, 2024, Supervisor Dorsey introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 240173, which would amend 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;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 23, 2024; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); 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 49 South Van Ness Avenue, Suite 1400, 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 the proposed ordinance with modifications. The Commission's proposed modification is to expand the scope of the ordinance to also Conditionally permit Vehicle Storage Lots in the WMUG District.

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:

The Commission supports the ordinance's goal of promoting the retention and growth of existing auto repair businesses. The proposed Conditional Use authorization will ensure careful examination of future projects and would allow for the imposition of conditions to address any potential adverse effects on nearby residential areas.

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 2
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1
Seek to retain existing commercial and industrial activity and to attract new such activity to the city

OBJECTIVE 4
IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY, THE EQUITABLE DISTRIBUTION OF INFRASTRUCTURE, AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.4
When displacement does occur, attempt to relocate desired firms within the city.

The proposed Ordinance allows a long-standing auto repair business to stay in the neighborhood after having lost their lease on a nearby vehicle storage garage space. The building at 135 Kissling Street will serve as the replacement auto storage garage for Royal Motors, who currently operate other storage facilities and a repair shop on the same block.

WESTERN SOMA AREA PLAN

OBJECTIVE 1.1
BUILD ON AN EXISTING MIXED-USED CHARACTER THAT ENCOURAGES PRODUCTION OF RESIDENTIAL USES IN AREAS MOST APPROPRIATE FOR NEW HOUSING WITH A PROXIMATE MIX OF USES AND SERVICES SERVING LOCAL NEEDS AND THEREBY DEVELOPING A COMPLETE NEIGHBORHOOD.

Policy 1.1.3
Protect existing and newly designated residential clusters with Residential Enclave District zoning controls.

OBJECTIVE 1.2
ENCOURAGE PRESERVATION OF EXISTING AND VIABLY APPROPRIATE NEW LAND USES IN LOCATIONS THAT PROVIDE THE GREATEST OPPORTUNITIES FOR SUCCESS ANDMINIMIZE CONFLICT WITH RESIDENTIAL USES.

OBJECTIVE 1.3
MINIMIZE NOISE IMPACTS AND ENSURE APPROPRIATE NOISE ORDINANCE REQUIREMENTS ARE MET.

Policy 1.1.3
Reduce potential land use conflicts by carefully considering the location and design of both noise-generating uses and sensitive uses in the Western SoMa.

The building at 135 Kissling Street's design lends itself to industrial activities, and the proposed legislation supports its continued function as an industrial space by Conditionally allowing Vehicle Storage Garages. The Conditional Use authorization required to operate a Vehicle Storage Garage at this site will additionally ensure that there is careful evaluation of the use to ensure it does not negatively impact the surrounding residential buildings.

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 not have a negative 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 not have a negative effect on housing or neighborhood character.

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

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

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.

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.

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.

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.

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 THE PROPOSED ORDINANCE WITH MODIFICATIONS as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 23, 2024.

Jonas P. Ionin
Commission Secretary

AYES:	So, Williams, Braun, Diamond
NOES:	Imperial, Moore
ABSENT:	Koppel
ADOPTED:	May 23, 2024

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EXECUTIVE SUMMARY
PLANNING CODE TEXT & ZONING MAP AMENDMENT

HEARING DATE: May 23, 2024

90-Day Deadline: May 30, 2024

Project Name:	Residential Enclave-Mixed District, Rezone 135 Kissling Street
Case Number:	2024-001873PCA/MAP [Board File No. 240173]
Initiated by:	Supervisor Dorsey / Introduced February 27, 2024
Staff Contact:	Audrey Merlone, Legislative Affairs Audrey.Merlone@sfgov.org 628-652-7534
Reviewed by:	Dan Sider, Chief of Staff dan.sider@sfgov.org, 628-652-7539
Environmental Review:	Not a Project Under CEQA

Recommendation:	Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to (1) Conditionally permit Vehicle Storage Lots in the Residential Enclave-Mixed (RED-MX) District and (2) Rezone 135 Kissling Street from Residential Enclave (RED) to RED-MX.

The Way It Is Now:

1. The parcel at 135 Kissling Street (APN 3516/068) is zoned RED.
2. In the RED-MX District, Vehicle Storage Lots are Not Permitted.

The Way It Would Be:

1. The parcel at 135 Kissling Street would be rezoned to RED-MX.
2. In the RED-MX District, Vehicle Storage Lots would be Conditionally permitted.

Background

The lot at 135 Kissling Street contains a large, industrial building that City Assessor records show was constructed in 1953. Royal Automotive Group (DBA "Royal Motors"), a car dealership and auto repair business, is under contract to purchase the building. Royal Motors intends to use the building as a Vehicle Storage Garage, which is not allowed under the parcel's current RED zoning but is Conditionally allowed under the proposed provisions of the RED-MX District.

Royal Motors operates a handful of other nearby Vehicle Storage Lots along Kissling Street and Howard Street that are zoned RED-MX or Western SoMa Mixed Use-General District (WMUG), respectively. While a Conditional Use Authorization had been approved to allow those Vehicle Storage Lots, building permits were never issued within the three years allowed under the Commission's approval. Because subsequent Code changes inadvertently prohibited Vehicle Storage Lots within the RED-MX and WMUG districts, that Conditional Use Authorization cannot be renewed to allow for issuance of the required building permits.

Map of the subject parcel at 135 Kissling (above), and photo of the subject site from Kissling Street (below).

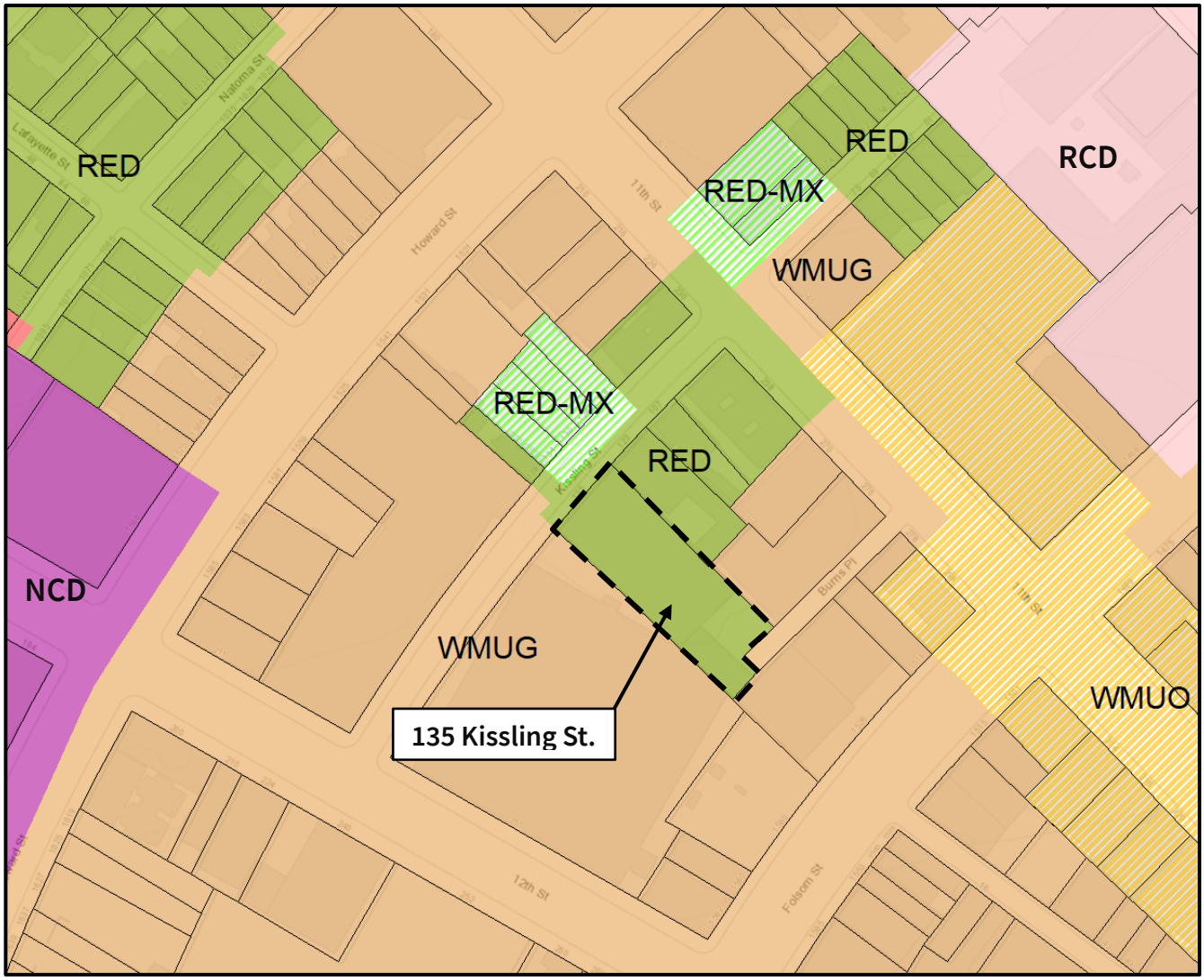
Issues and Considerations

Existing Neighborhood

The neighborhood surrounding 135 Kissling Street is a diverse blend of residential, industrial, and commercial uses. The immediate neighborhood is within the Western SoMa Special Use District, which resulted from the Western SoMa Area Planning process. This area of the City is distinguished by fine-grained Zoning Districts (*see map on page 4*). The Western SoMa Area Plan created this intricate pattern in part to respond to the juxtaposition of more intensive industrial uses with older multi-family residential structures.

General Plan Compliance

Objective 1.2 of the Western SoMa Area Plan is to: "Encourage preservation of existing and viably appropriate new land uses in locations that provide the greatest opportunities for success and minimize conflict with residential uses." The building at 135 Kissling Street was purpose-built for industrial activities, and the proposed rezoning would support its continued functioning by Conditionally allowing additional Automotive uses. Allowing Vehicle Storage Lots in the RED-MX District will also restore the ability to establish an industrial land use that was inadvertently prohibited through the Article 8 reorganization ordinance.



Racial and Social Equity Analysis

The proposed amendments are narrowly tailored and cannot be directly associated with a negative or positive impact in advancing the racial or social equity. However, the City's Housing Element emphasizes the importance of including traditionally marginalized voices in proposals located in Priority Equity Geographies, which 135 Kissling Street – and much of this immediate neighborhood - is within. Applications for subsequent Conditional Use Authorization enabled through this legislation will involve opportunities for broad community engagement.

Implementation

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

Recommendation

The Department recommends that the Commission *approve the proposed Ordinance with modifications* and adopt the attached Draft Resolution to that effect. Specifically, we recommend that the scope of the ordinance be expanded to also Conditionally permit Vehicle Storage Lots in the WMUG District.

Basis for Recommendation

The Department supports the ordinance's goal of promoting the retention and growth of existing auto repair businesses. The proposed Conditional Use authorization would ensure careful examination of future projects and would allow for the imposition of conditions to address any potential adverse effects on nearby residential areas.

Staff recommends modifying the ordinance to incorporate the proposed change to the RED-MX District into the WMUG District, as well. Two of the parcels on which prior Conditional Use Authorization had been granted for Vehicle Storage Lots are located in the WMUG District. Without this modification those uses would persist without a path for legalization.

In both RED-MX and WMUG Districts, restoring the Conditional Use allowance for Vehicle Storage Lots is consistent with longstanding zoning controls that were inadvertently changed last year.

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)(2) 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 received one submission of public comment regarding the proposed Ordinance. The letter is attached as Exhibit C.

Attachments:

Exhibit A: Draft Planning Commission Resolution
Exhibit B: Board of Supervisors File No. 240173
Exhibit C: Letters of Support/Opposition