

BOARD of SUPERVISORS



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MEMORANDUM

Date: November 25, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240929-2 Substitute Ordinance
Planning Code - 99 Rhode Island 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.

1 [Planning Code - 99 Rhode Island Street]

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3 **Ordinance amending the Planning Code to allow Assessor’s Parcel Block No. 3912, Lot**
4 **No. 02, also known as 99 Rhode Island Street, to exceed the cumulative use size**
5 **requirements in Production, Distribution and Repair District-1, Design (PDR-1-D)**
6 **districts; affirming the Planning Department’s determination under the California**
7 **Environmental Quality Act; making public necessity, convenience, and welfare findings**
8 **under Planning Code, Section 302; and making findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

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Section 1. Environmental and Land Use Findings.

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(a) The Planning Department has determined that the action contemplated in this ordinance complies 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.

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

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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 this Planning Code amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, and the Board adopts such reasons 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.

Section 2. Article 2 of the Planning Code is hereby amended by revising Section 210.3, to read as follows:

SEC. 210.3. PDR DISTRICTS.

* * * *

**Table 210.3
ZONING CONTROL TABLE FOR PDR DISTRICTS**

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
<i>NON-RESIDENTIAL STANDARDS AND USES</i>					
<i>Development Standards</i>					
* * * *					
Use Size Limits for Retail Sales	§210.2A	See Table 210.3A.	5,000 gross square feet per lot, see	2,500 gross square feet per lot, see	See Table 210.3A.

1	and Service			reference	reference (9)	
2	Uses			(10) below.	below.	
3	* * * *					
4	<i>Industrial Use Category</i>					
5	* * * *					
6	School	§102	P(7)	P(7)	NP	NP
7	* * * *					

* * * *

(7) NP above 20,000 Gross Square Feet, except School uses at Assessor's Parcel Block No. 3912, Lot 002 shall not be subject to a use size limitation. Housing is not permitted.

* * * *

(10) In this District, except for Personal Service uses at Assessor's Parcel Block No. 3912, Lot 002, all uses with this reference number are limited to a cumulative total of 5000 Gross Square Feet per lot. No use size limits shall apply to Personal Service uses at Assessor's Parcel Block No. 3912, Lot 002.

Section 3. 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.

APPROVED AS TO FORM:
 DAVID CHIU, City Attorney
 By: /s/
AUDREY WILLIAMS PEARSON
 Deputy City Attorney

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LEGISLATIVE DIGEST
(Substituted, 11/19/2024)

[Planning Code - 99 Rhode Island Street]

Ordinance amending the Planning Code to allow Assessor's Parcel Block No. 3912, Lot No. 02, also known as 99 Rhode Island Street, to exceed the cumulative use size requirements in Production, Distribution and Repair District-1, Design (PDR-1-D) districts; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently, Production, Distribution, and Repair Districts-1, Design (PDR-1-D) zoning prohibits Personal Service uses to no more than 5,000 square feet. School uses above 20,000 Gross Square Feet are not permitted.

The property at Assessor's Parcel Block No. 3912, Lot 2, also known as 99 Rhode Island Street is located in a PDR-1-D district.

Amendments to Current Law

This ordinance would amend the PDR-1-D table to allow Personal Service uses at 99 Rhode Island to exceed 5000 square feet, with no use size limit. In addition, the ordinance would amend the table to allow a School use at 99 Rhode Island to exceed 20,000 Gross Square Foot with no use size limit.

Background Information

This ordinance would allow a proposed school use (Hiba Academy) at 99 Rhode Island Street. Hiba Academy would provide a bilingual education (English and Chinese) for up to 500 students (with 70 faculty and staff) in pre-kindergarten through grade five.

This is a substitute to an ordinance introduced on September 24, 2024.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only