



January 16, 2025

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 2024-008953PCA:**
99 Rhode Island Street
Board File No. 240929

Planning Commission Recommendation: Approval

Dear Ms. Calvillo and Supervisor Dorsey,

On January 9, 2025, 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 allow certain use types to exceed the PDR-1-D use size limits at a parcel located at 99 Rhode Island Street (Assessor's Parcel Block No. 3912, Lot No. 020). At the hearing the Planning Commission adopted a recommendation for approval.

The proposed amendments are determined to be exempt under CEQA Guidelines Section 15061(b)(3) on January 6, 2025 (Planning Case No. 2024-00869ENV).

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: Audrey Williams Pearson, 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



PLANNING COMMISSION RESOLUTION NO. 21668

HEARING DATE: JANUARY 9, 2025

Project Name: 99 Rhode Island Street
Case Number: 2024-008953PCA [Board File No. 240929]
Initiated by: Supervisor Dorsey / Introduced November 19, 2024
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND 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.

WHEREAS, on November 19, 2024 Supervisor Dorsey introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 240929, which would amend 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;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 9, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be exempt under CEQA Guidelines Section 15061(b)(3) on January 6, 2025 (Planning Case No. 2024-008695ENV); 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 adopts a **recommendation for approval** of 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:

The Department supports the proposed Ordinance because it allows a school to locate in a neighborhood that lacks community facilities and needs a greater mix of uses. The Ordinance would not remove any PDR buildings or displace PDR uses, aligning with the neighborhood's goal to retain and protect these spaces from development.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

SHOWPLACE SQUARE/POTRERO AREA PLAN

OBJECTIVE 1.1

ENCOURAGE THE TRANSITION OF PORTIONS OF SHOWPLACE / POTRERO TO A MORE MIXED USE AND NEIGHBORHOOD-SERVING CHARACTER, WHILE PROTECTING THE CORE OF DESIGN-RELATED PDR USES.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

OBJECTIVE 7.1

PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES.

Policy 7.1.1

Support the siting of new facilities to meet the needs of a growing community and to provide opportunities for residents of all age levels.

The proposed Ordinance would allow a former office building to be converted into a private pre-K through 5th grade school. This school would be one of few in the plan area, and the only elementary school in Showplace Square. It will help to serve the needs of the neighborhood while also increasing the variety of uses in the plan area.

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 ADOPTS A RECOMMENDATION FOR APPROVAL the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 9, 2025.



Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2025.01.14 12:20:54 -08'00'

Jonas P. Ionin
Commission Secretary

AYES: Campbell, McGarry, Braun, Imperial, Moore, So
NOES: Williams
ABSENT: None
ADOPTED: January 9, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: January 9, 2025

90-Day Deadline: February 23, 2025

Project Name: 99 Rhode Island Street
Case Number: 2024-008953PCA [Board File No. 240929]
Initiated by: Supervisor Dorsey / Introduced November 19, 2024
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533
Environmental Review: Common Sense Exemption

RECOMMENDATION: Adopt of Recommendation for Approval

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to allow certain use types to exceed the PDR-1-D use size limits at a parcel located at 99 Rhode Island Street (Assessor’s Parcel Block No. 3912, Lot No. 020).

The Way It Is Now:

1. The Production, Distribution, and Repair District-1, Design (PDR-1-D) zoning district prohibits many Retail Sales and Service uses from exceeding a cumulative total of more than 5,000 gross square feet. Personal Service uses are included in this 5,000gsf cumulative size cap.
2. The PDR-1-D zoning district limits School uses to no more than 20,000gsf.

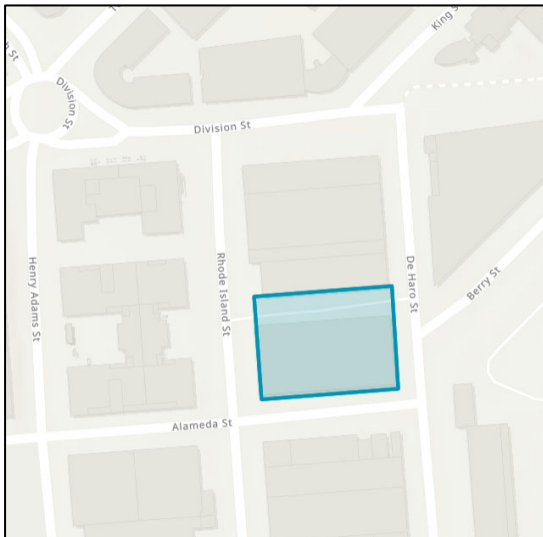
The Way It Would Be:

1. The PDR-1-D zoning district would allow Personal Service uses to exceed the 5,000gsf cap for a parcel at 99 Rhode Island Street.
2. The PDR-1-D zoning district would allow School uses to exceed the 20,000gsf cap for a parcel at 99 Rhode Island Street.

Issues and Considerations

99 Rhode Island Street

99 Rhode Island Street is in the PDR-1-D District within the Showplace Square/Potrero Plan Area and features a three-story, 60,000-square-foot office building. Built in 1948, the building has previously served as an office, retail space, restaurant, and lending institution but has no history of PDR use. It has operated consistently as an office since at least 2000 and has not been identified as a historic resource. The building has been vacant since December 2023, following the foreclosure of its most recent office tenant. It was recently purchased by a subsidiary of an international private educational institution, which plans to open its first U.S. school for pre-kindergarten through fifth grade.



A map of the parcel at 99 Rhode Island Street (left), and the building at 99 Rhode Island Street (right).

Production, Distribution, and Repair (1), Design District

Created in 2008 through the Eastern Neighborhoods Plan, the intention of this District is to retain and encourage less-intensive production, distribution, and repair businesses. As such, this District prohibits new Residential and Office uses, and limits Retail and Institutional uses. Additionally, this District prohibits heavy industrial uses, which generate external noise, odors, and vibrations and engage in frequent trucking activities. Generally, most other uses are permitted, however many have maximum use size limitations. School uses are Principally permitted up to 20,000sqft and Not Permitted above. Personal Service uses are also Principally permitted but limited to a cumulative total with a list of other Retail Sales and Service uses to

5,000sqft.

Showplace Square/Potrero Area Plan

Enacted in January of 2009, the Showplace Square/Potrero Area Plan is part of the Department’s larger Eastern Neighborhoods Plan. Showplace Square is an important furniture and interior design center that serves a national market. It was originally developed as a warehouse and industrial district serving nearby

EASTERN NEIGHBORHOODS PLAN AREAS



port facilities, once one of the city’s important industries. Though the plan seeks to preserve this

neighborhood's identity as a design district, it also aims to foster new growth in service of creating a "complete neighborhood". Complete neighborhoods offer safe, convenient access to shopping, services, affordable housing, and open space, meeting the needs of all ages and abilities. The plan encourages a balanced mix of uses while protecting existing PDR spaces and discouraging new office development. Unlike some of the city's other industrial-focused neighborhoods, Showplace Square/Potrero seeks to encourage industrial uses that are compatible alongside neighborhood-serving uses. As such, it discourages heavier industrial uses which could pose noise and health problems for those who may live or attend school or work in the neighborhood. Importantly, the plan also recognizes a shortage of essential community facilities and encourages establishing new ones to serve the growing population across all age groups.

Definition of "School"

The Planning Code defines a School as:

An Institution Educational Use, public or private, certified by the Western Association of Schools and Colleges that provides educational instruction to students in kindergarten through twelfth grade. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. This use is distinct and separate from a Post-Secondary Educational Institution, which is defined under this Section of the Code.

Any business that provides educational services to students in grades K-12 that does *not* possess certification from the Western Association of Schools and Colleges (WASC) is *not* considered a School for the purposes of the Code. Instead, they are considered a Personal Service use. Once an educational service receives WASC certification, they are eligible to file for a change of use to a School.

Use Size Limits

The PDR-1-D District limits many Retail Sales and Service uses to a combined total of 5,000 square feet. This limitation aims to prevent large, big-box retailers from overtaking existing warehouse buildings in the district. Unlike other use size restrictions governed by Section 121 of the Planning Code, this restriction is outlined in the PDR-1-D zoning table. When a use size is restricted via Planning Code Sec. 121, existing non-residential units that exceed the use size limitations are considered legal non-conforming. As such, they may host any Principally or Conditionally permitted use on their premises. Conversely, the PDR-1-D district places limits on specific *uses* through their zoning table in Section 210.3. As such, existing non-residential units that exceed 5,000sqft are prevented from hosting uses that are explicitly size limited through the district's zoning table.

General Plan Compliance

Objective 1.1 of the Showplace Square/Potrero Area Plan seeks to encourage the transition of portions of the area to a more mixed-use and neighborhood-serving character. Policy 7.1.1 is to "Support the siting of new facilities to meet the needs of a growing community and to provide opportunities for the residents of all age levels." Finally, the area plan actively discourages new office uses. The proposed Ordinance would allow a former office building to be converted into a private pre-K through 5th grade school. This school would be

one of few in the plan area, and the only elementary school in Showplace Square. It will help to serve the needs of the neighborhood while also increasing the variety of uses in the plan area.

Racial and Social Equity Analysis

The proposed amendments cannot be directly tied to a negative or positive impact in advancing the City's racial and social equity. As the Ordinance would only affect a single parcel, there is not enough data to support a claim of racial or social equity.

Implementation

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

Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Department supports the proposed ordinance because it allows a school to locate in a neighborhood that lacks community facilities and needs a greater mix of uses. The Ordinance would not remove any PDR buildings or displace PDR uses, aligning with the neighborhood's goal to retain and protect these spaces from development.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed Ordinance was determined to be exempt under CEQA Guidelines Section 15061(b)(3) on January 6, 2025 (Planning Case No. 2024-008695ENV).

Public Comment

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