

BOARD of SUPERVISORS



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

February 13, 2014

File No. 140062

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On January 28, 2014, the Mayor introduced the following legislation:

File No. 140062

Ordinance amending the Planning Code, Sections 234, 234.1, and 234.2, in order to modify and make technical amendments to the provisions of Public Use Zoning Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning
Jeanie Poling, Environmental Planning

*Not a project under CEQA
Guidelines Sections 15060(c)
and 15378 because there is
no direct or indirect physical
change in the environment.
(Individual projects will be
evaluated separately.)
Nannie Turrell
February 18, 2014*

1 [Planning Code - Plaza Program]

2
3 **Ordinance amending the Planning Code by amending Sections 234, 234.1, and 234.2, in**
4 **order to modify and make technical amendments to the provisions of Public Use**
5 **Zoning Districts, affirming the Planning Department's determination under the**
6 **California Environmental Quality Act, and making findings of consistency with the**
7 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

16 Section 1. Findings.

17 (a) The Findings set forth regarding the Plaza Program in companion legislation
18 amending the Administrative Code Chapter 94 to establish the Plaza Program are
19 incorporated herein by reference. Said findings are in Clerk of the Board of Supervisors File
20 No. _____.

21 (b) Amendments to the Planning Code for the P (Public Use) District are necessary to
22 facilitate the establishment, use, and activation of Plazas established under the Plaza
23 Program and other temporary uses under the jurisdiction of other City departments. The P
24 District zoning also requires technical updates to its language and deletion of obsolete
25 provisions. In addition, the sign controls for business signs in P Districts should reflect the
business sign controls in adjacent zoning districts other than residential or public use districts.

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

6 (d) Pursuant to Planning Code Section 302, the Board finds that the proposed
7 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
8 Planning Commission Resolution No. _____, which reasons are incorporated herein by
9 reference as though fully set forth. A copy of Planning Commission Resolution No.
10 _____ is on file with the Clerk of the Board of Supervisors in File No.
11 _____.

12 (e) At a duly noticed public hearing held on _____, 2014, the Planning
13 Commission in Resolution No. _____ found that the proposed Planning Code
14 amendments contained in this ordinance are consistent with the City's General Plan and with
15 the Priority Policies of Planning Code Section 101.1. The Commission recommended that the
16 Board of Supervisors adopt the proposed Planning Code amendments. The Board finds that
17 the proposed Planning Code amendments contained in this ordinance are consistent with the
18 City's General Plan and with the Priority Policies of Planning Code Section 101.1 for the
19 reasons set forth in said Resolution.
20

21 Section 2. The Planning Code is hereby amended by revising Sections 234, 234.1,
22 and 234.2, to read as follows:

23 **SEC. 234. P DISTRICTS.**
24
25

1 In addition to the use districts otherwise established by this Code, there shall also be in
2 the City a Public Use District herein referred to as a "P District," to apply to land that is owned
3 by a governmental agency and in some form of public use, including open space.

4 The purpose of designating such land as a P District on the Zoning Map is to relate the
5 Zoning Map to actual land use and to the ~~Master~~ General Plan with respect to such land. Any
6 lot in a P District may be occupied by a principal use listed in this Section 234.1, or by a
7 conditional use listed in this Section 234.2, subject to applicable regulations of this Code. Uses
8 not identified under Sections 234.1 or 234.2 of this Code are not permitted in any P District ~~including~~
9 ~~the limitations of Section 290 for OS (Open Space) Districts; provided, however, that on any lot in a P~~
10 ~~District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area Neighborhood Commercial~~
11 ~~District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless~~
12 ~~such use or feature complies with the controls which are applicable in any NC-1 or Individual Area~~
13 ~~Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot,~~
14 ~~excluding the provisions of zoning category 83, as defined in Section 790.80 of Article 7.~~

15 **SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS.**

16 When found to be in conformity with the General Plan, the following uses are principally
17 permitted in all P Districts:

18 (a) Structures and uses of governmental agencies not subject to regulation by this
19 Code.

20 (b) Public structures and uses of the City and County of San Francisco, and of other
21 governmental agencies that are subject to regulation by this Code, ~~including Neighborhood~~
22 ~~Agriculture, as defined in Planning Code Section 102.35 and~~

23 (c) accessory Ancillary nonpublic uses, defined as related or unrelated minor uses which are
24 incidental and/or subordinate to any principal or conditional use, provided that the ancillary nonpublic
25 uses (1) do not occupy more than 1/3 of the total floor area occupied by such uses and the principal or

1 conditional use to which they are incidental and/or subordinate, (2) are located at or below the ground
2 story and (3) are not prohibited in any, when in conformity with the Master Plan and the provisions of
3 other applicable codes, laws, ordinances and regulations; provided, however, that on any lot in a P
4 District, which lot is within ¼ mile of the nearest NC-1 or Individual Area Neighborhood
5 Commercial District and/or Restricted Use Subdistrict described in Article 2 or 7 of this Code
6 which is located within ¼ mile of the subject parcel, no accessory nonpublic use shall be permitted,
7 unless such use or feature complies with the controls which are applicable in any NC 1 or Individual
8 Area Neighborhood Commercial District located within ¼ mile of the lot, excluding the provisions of
9 zoning category .82, as defined in Section 790.80 of this Code.

10 (d) Neighborhood Agriculture, as defined in Planning Code Section 102.35;

11 (e) Any open area, park, plaza or similar space, along with ancillary buildings, open to or
12 directly serving the general public authorized under Section 94.X of the Administrative Code when the
13 parcel in question is owned by the City and County of San Francisco. Such space may provide
14 commercial or non-commercial offerings, including, but not limited to, arts activities; entertainment;
15 food, drink, and/or other refreshment; retail sales; sports; and general recreation.

16 (f) Any temporary use identified in Section 205 et. seq. of this Code, regardless of the zoning
17 district specified in that Section but subject to the time limits specified in that Section for such
18 temporary use;

19 (g) Any temporary use not considered in Subsection (f) above, for which an enabling action is
20 taken by either (a) the Board of Supervisors or (b) the Recreation and Parks Commission, the
21 Municipal Transportation Agency Board of Directors, or other City Board or Commission with
22 jurisdiction over the property. Temporary uses authorized under this Subsection (g) shall be (A) limited
23 to a renewable period of no more than three years and (B) of a nature such that the property on which
24 the temporary use is located can be readily returned to the state in which it existed immediately prior to
25 the commencement of the temporary use.

1 **SEC. 234.2. CONDITIONAL USES, P DISTRICTS.**

2 The following uses shall require Conditional Use authorization from ~~be subject to approval~~
3 ~~by the City~~ Planning Commission, as provided in Section 303 of this Code unless otherwise
4 permitted under Section 234.1 of this Code:

5 (a) For any P District, ~~Those~~ uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j);
6 209.4(a); 209.5(a); 209.5(b); ~~209.5(d) if the use does not comply with the performance and~~
7 ~~operational standards as defined by Section 102.35(a);~~ 209.5(e); 209.6(b); 209.6(c); 209.9(c); ~~and~~
8 ~~234.2(e) and (d)~~ of this Code. Additionally, Neighborhood Agriculture, as defined in Section 209.5(d)
9 of this Code, if it does not comply with the performance and operational standards as contained in
10 Section 102.35(a);

11 (b) Additionally, for P Districts located within the right-of-way of any State or federal highway:
12 With respect to any lot in a P District, which lot is within ¼ mile of the nearest NC-1 or Individual Area
13 Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use
14 shall be permitted, unless such use or feature complies with the controls which are applicable in any
15 NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located
16 within ¼ mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of
17 Article 7.

18 (c) (1) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code
19 when: (A) adjacent to any located within any P district within the Eastern Neighborhoods Mixed
20 Use District; or the South of Market Mixed Use District, or (B) within the Market and Octavia
21 Plan Area, and within the right-of-way of any State or federal highway.

22 (d) ~~In any P District which is within the Eastern Neighborhoods Mixed Use District and the~~
23 ~~South of Market Mixed Use District, if the use is located within the right-of-way of any State or federal~~
24 ~~highway, the following uses:~~

1 (12) Retail and personal service uses when adjacent to any Eastern Neighborhoods Mixed
2 Use Districts or the South of Market Mixed Use District and primarily meeting the needs of
3 commuters on nearby streets and highways or persons who work or live nearby, provided
4 that:

5 (A) The space is on the ground floor of a publicly-accessible parking garage;

6 (B) The total gross floor area per establishment does not exceed 2,500 square feet;

7 (C) The space fronts on a major thoroughfare; and

8 (D) The building facade incorporates sufficient fenestration and lighting to create an
9 attractive urban design and pedestrian-oriented scale.

10 ~~(2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-~~
11 ~~accessible parking lot, provided that:~~

12 ~~(A) The sale of goods and the presence of any booths or other accessory appurtenances are~~
13 ~~limited to weekend and/or holiday daytime hours;~~

14 ~~(B) Sufficient numbers of publicly accessible toilets and trash receptacles are provided on-site~~
15 ~~and are adequately maintained; and~~

16 ~~(C) The site and vicinity are maintained free of trash and debris.~~

17 ~~(c) Additionally, for P Districts containing property owned by the City and County of San~~
18 ~~Francisco, any use not principally permitted in a P district as set forth in Section 234.1 of this Code,~~
19 ~~excepting dwelling units and any use first permitted in an M-2 District.~~

20
21 Section 3. The Planning Code is hereby amended by revising Sections 605, to read as
22 follows:

23 **SEC. 605. PUBLIC USE DISTRICTS.**

24 ~~All applications for permits to erect Bbusiness signs in P Districts shall be subject to the~~
25 ~~controls of this Article 6 for the zoning district nearest the location of the proposed sign, other than~~

1 ~~Public Districts or Residential Districts. submitted to the City Planning Commission for approval or~~
2 ~~disapproval. The Commission, in its review, shall take into account the nature of the property and its~~
3 ~~use, the functional necessity for the sign, the proposed size, location, design and content of the sign, the~~
4 ~~degree of its harmony with the public purposes of the property and with the surrounding area, and the~~
5 ~~restrictions of this Code for signs in other districts.~~ No general advertising sign, other than those
6 signs exempted by Section 603 of this Code, shall be permitted.

7
8 Section 4. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 John D. Malamut
Deputy City Attorney

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