

[Planning Code – Plaza Program]

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Ordinance amending the Planning Code, by amending Sections 234, 234.1, and 234.2, and 605, 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.

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. Findings.

(a) The Findings set forth regarding the Plaza Program in companion legislation amending the Administrative Code Chapter 94 to establish the Plaza Program are incorporated herein by reference. Said findings are in Clerk of the Board of Supervisors File No. 140061.

(b) Amendments to the Planning Code for the P (Public Use) District are necessary to facilitate the establishment, use, and activation of Plazas established under the Plaza Program and other temporary uses under the jurisdiction of other City departments. The P District zoning also requires technical updates to its language and deletion of obsolete 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. 19127 and
5 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. 19127, which reasons are incorporated herein by
9 reference as though fully set forth. A copy of Planning Commission Resolution No. 19127 is
10 on file with the Clerk of the Board of Supervisors in File No. 140062.

11 (e) At a duly noticed public hearing held on May 1, 2014, the Planning Commission in
12 Resolution No. 19127 found that the proposed Planning Code amendments contained in this
13 ordinance are consistent with the City's General Plan and with the Priority Policies of Planning
14 Code Section 101.1. The Commission recommended that the Board of Supervisors adopt the
15 proposed Planning Code amendments. The Board finds that the proposed Planning Code
16 amendments contained in this ordinance are consistent with the City's General Plan and with
17 the Priority Policies of Planning Code Section 101.1 for the reasons set forth in said
18 Resolution.

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

22 **SEC. 234. P DISTRICTS.**

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

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

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

14 The following uses are principally permitted in all P Districts when found to be in conformity
15 with the General Plan:

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

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

21 (c) ~~A~~ accessory nonpublic uses, which in P Districts may or may not be related to the
22 principal use, provided that they meet the following standards:

23 (1) If the accessory nonpublic use is located on a lot with an OS Height and Bulk designation
24 per Section 290 of this Code, it shall occupy a de ~~minimum~~ minimis amount of space so that it does not
25

1 detract from the lot's principal or exclusive purpose as open space. In no case may accessory
2 nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use;

3 (2) If the accessory nonpublic use is located on a lot without an OS Height and Bulk
4 designation, it shall not occupy more than 1/3 of the total occupied floor area of the principle use;

5 (3) The accessory nonpublic use only may be located at or below the ground story;

6 (4) If the accessory nonpublic use is located within 1/4 mile of a Restricted Use Subdistrict listed
7 in Article 2 or 7, then no use prohibited in such Subdistrict may be permitted as an accessory nonpublic
8 use; when in conformity with the Master Plan and the provisions of other applicable codes, laws,
9 ordinances and regulations; provided, however, that on any lot in a P-District, which lot is within 1/4
10 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District or Restricted Use
11 Subdistrict 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 located within 1/4 mile of the lot, excluding the provisions of zoning
14 category .82, as defined in Section 790.80 of this Code.

15 (5)(4) The accessory nonpublic use is principally permitted within the closest non-Residential
16 District. The closest non-Residential district is defined as the non-Residential zoning district that is the
17 shortest distance between any area occupied by the accessory nonpublic use and a parcel with a non-
18 Residential zoning designation. If there is more than one non-Residential district that meets this
19 definition, the more permissive zoning district shall apply; and,

20 (6)(5) The proposed Accessory use is not a Formula Retail use as defined in Section 303(i),
21 703.3, or 803.6 of this Code.

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

23 (e) City Plazas, as defined in Section 94.1 of the Administrative Code.

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

4 (g) Any temporary use not considered in Subsection (f) above for which an enabling action is
5 taken by either the Board of Supervisors, the Recreation and Parks Commission, the Municipal
6 Transportation Agency Board of Directors, or other City Board or Commission with jurisdiction over
7 the property. Temporary uses authorized under this Subsection (g) shall be:

8 (A) Limited to a renewable period of no more than three years as approved by the
9 Zoning Administrator, and

10 (B) Be of a nature such that the property on which the temporary use is located can be
11 readily returned to the state in which it existed immediately prior to the commencement of the
12 temporary use.

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

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

17 (a) For any P District, ~~Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j);~~
18 ~~209.4(a); 209.5(a); 209.5(b); 209.5(d) if the use does not comply with the performance and~~
19 ~~operational standards as defined by Section 102.35(a); 209.5(e); 209.6(b); and 209.6(c); 209.9(e);~~
20 ~~and 234.2(e) and (d) of this Code. Additionally, Neighborhood Agriculture, as defined in Section~~
21 ~~209.5(d) of this Code, if it does not comply with the performance and operational standards as~~
22 ~~contained in Section 102.35(a);~~

23 (b) Additionally, for P Districts located within the right-of-way of any State or federal highway:
24 ~~With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area~~
25 ~~Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use~~

1 ~~shall be permitted, unless such use or feature complies with the controls which are applicable in any~~
2 ~~NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located~~
3 ~~within ¼ mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of~~
4 ~~Article 7.~~

5 (e) (1) Parking lot or garage uses ~~listed in Sections 890.7 through 890.12 of this Code~~
6 when: (A) adjacent to any ~~located within any P-district within the Eastern Neighborhoods Mixed~~
7 ~~Use Districts,~~ or the South of Market Mixed Use District, or (B) within the Market and Octavia
8 Plan Area, ~~and within the right-of-way of any State or federal highway.~~

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

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

- 16 (A) The space is on the ground floor of a publicly-accessible parking garage;
- 17 (B) The total gross floor area per establishment does not exceed 2,500 square feet;
- 18 (C) The space fronts on a major thoroughfare; and
- 19 (D) The building facade incorporates sufficient fenestration and lighting to create an
20 attractive urban design and pedestrian-oriented scale.

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

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

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

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

4 (c) Additionally, on property with a P District designation that the City and County of San
5 Francisco owns, any use not otherwise principally permitted in a P district as set forth in Section 234.1
6 of this Code shall be permitted with conditional use authorization, except for:

7 (1) Residential uses;

8 (2) Any use first permitted in a M-2 District; and

9 (3) Formal Retail uses where the subject P zoned lot is within 1/4 of a mile of a zoning district
10 that prohibits Formula Retail.

11
12 Section 3. The Planning Code is hereby amended by revising Sections 605, to read as
13 follows:

14 **SEC. 605. PUBLIC USE DISTRICTS.**

15 ~~All applications for permits to erect Bbusiness signs in P Districts shall be subject to the~~
16 ~~controls of this Article 6 for the zoning district nearest the location of the proposed sign, other than~~
17 ~~Public Districts or Residential Districts. submitted to the City Planning Commission for approval or~~
18 ~~disapproval. The Commission, in its review, shall take into account the nature of the property and its~~
19 ~~use, the functional necessity for the sign, the proposed size, location, design and content of the sign, the~~
20 ~~degree of its harmony with the public purposes of the property and with the surrounding area, and the~~
21 ~~restrictions of this Code for signs in other districts.~~ No general advertising sign, other than those
22 signs exempted by Section 603 of this Code, shall be permitted.

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24 Section 4. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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

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12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 John D. Malamut
16 Deputy City Attorney

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