

REVISED LEGISLATIVE DIGEST

(3/14/2017, Amended in Board)

[Planning Code, Zoning Map - Calle 24 Special Use District]

Ordinance amending the Planning Code to create the Calle 24 Special Use District and revising the Zoning Map to reflect the Calle 24 Special Use District as generally bounded by 22nd Street, Potrero Avenue, Cesar Chavez Street, and Capp Street, as well as 24th Street to Bartlett Street and as more specifically defined in this ordinance; and 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.

Existing Law

The geographic area encompassed by the proposed Calle 24 Special Use District (Calle 24 SUD) is currently a mix of residential and neighborhood commercial zoning districts. Although commercial uses are generally prohibited in the areas zoned residential, the existing neighborhood commercial districts—which include, among others, the 24th Street-Mission Neighborhood Commercial Transit District and the Mission Street Neighborhood Commercial Transit District—allow commercial uses, and mergers of commercial storefronts, as of right up to a certain size and then through the conditional use permit process for larger commercial uses and mergers.

Although there are currently no “concentration controls” for restaurant or bar uses in this area, new bar uses are generally prohibited along the 24th Street corridor and the Mission Alcoholic Beverage Special Use District, Planning Code Section 249.60, limits certain alcohol-related uses within part of the proposed Calle 24 SUD.

Medical Service Uses are generally permitted on the ground floor and require conditional use authorization on the second floor along the 24th Street corridor.

Administrative Code Section 2A.242 creates a Legacy Business Registry.

Amendments to Current Law

The proposed legislation would create a new Calle 24 Special Use District (Calle 24 SUD), generally bounded by: the southern side of 22nd Street from Mission Street to Potrero Avenue; the western side of Potrero Avenue from 22nd Street to Cesar Chavez Street; the northern side of Cesar Chavez Street, from Potrero Avenue to Capp Street; and the western side of Capp Street from Cesar Chavez to 24th Street, then both sides of 24th Street to the eastern side of Bartlett Street, and the western side of Capp Street from 24th Street to 22nd Street; along with a few additional adjacent lots (specifically, Lots 019D and 046A in

Assessor's Block 3637; Lots 005 and 017A in Assessor's Block 6517; Lot 035 in Assessor's Block 6528; and Lot 003A in Assessor's Block 6570.)

The purposes of the Calle 24 SUD, as more fully described in the proposed legislation, are to preserve and enhance the unique character of the area and recognize Latino cultural heritage through architectural design, storefront size, signage, streetscape enhancements, artwork, and other elements of the built environment; support local or Latino artwork, arts activities, and crafts; preserve the Legacy Businesses; retain, enhance and promote neighborhood serving businesses and institutions; and develop partnerships amongst existing and new local businesses, institutions, vendors, and micro entrepreneurs and coordinate with the Office of Economic and Workforce Development.

The proposed legislation would impose concentration controls, prohibiting new restaurant and bar use, or the physical expansion of existing restaurant and bar uses, if the new use or expansion would result in 35% or more of those types of uses in any given 300-foot area. Any project for which a development application was submitted by March 31, 2017 or any change in use from an existing Limited-Restaurant use to a Restaurant use is exempt from this prohibition.

The proposed legislation would require conditional use authorization under Planning Code Section 303 for mergers of groundfloor commercial uses where the new commercial space would be greater than 799 gross square feet. Conditional use authorization would also be required whenever a new non-residential use would replace a Legacy Business within the SUD and for any new, first story, Medical Service Use, as defined in Planning Code Section 790.114.

Whenever a conditional use authorization is required for any use in the Calle 24 SUD, either under existing law or this proposed legislation, the Planning Commission would be required to find that any physical improvements associated with the proposed use are, on balance, in conformity with any adopted Calle 24 Design Guidelines and that the supports the purposes of the Calle 24 SUD.

Background Information

On July 28, 2015, this Board adopted Ordinance No. 133-15 to place a temporary prohibition within the proposed Calle 24 SUD on any merger of groundfloor commercial use space where the merger would result in groundfloor commercial use space greater than 799 gross square feet, subject to specified exemptions. On November 3, 2015, the Board of Supervisors adopted Ordinance No. 199-15, which retroactively extended the prohibition for an additional 10 months and 15 days from the date the original 45-day prohibition expired. Finally, on September 13, 2016, the Board of Supervisors adopted Ordinance No. 182-16, which again retroactively extended the prohibition for an additional 12 months from the date the prior 10-month and 15-day prohibition expired.

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