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Planning Commission Resolution No. 19847

HEARING DATE FEBRUARY 2, 2017

Project Name:	**Article 7: Phase 2 of the Planning Code Reorganization**
Case Number:	**2014-001965PCA** [Board File No. TBD]
Initiated by:	Planning Department
Staff Contact:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT AMENDS THE PLANNING CODE TO REORGANIZE ARTICLE 7 AND TO UPDATE, CORRECT, CLARIFY, AND SIMPLIFY CODE LANGUAGE IN OTHER PLANNING CODE SECTIONS; REQUIRING CONDITIONAL USE AUTHORIZATION FOR BARS, AND LIQUOR STORES ON THE FIRST FLOOR IN THE NORIEGA, IRVING, TARAVAL, AND JUDAH NEIGHBORHOOD COMMERCIAL DISTRICTS; ENACTING PERMANENT CONTROLS REQUIRING CONDITIONAL USE AUTHORIZATION FOR MEDICAL CANNABIS DISPENSARIES IN THE NORIEGA, IRVING, TARAVAL, AND JUDAH NEIGHBORHOOD COMMERCIAL DISTRICTS; REQUIRE CONDITIONAL USE AUTHORIZATION FOR PERSONAL SERVICES ON THE SECOND FLOOR IN THE NORIEGA, IRVING, TARAVAL, AND JUDAH NEIGHBORHOOD COMMERCIAL DISTRICTS; PROHIBIT KENNELS, LARGE SCALE URBAN AGRICULTURE, BUSINESS HOURS FROM 2 A.M. TO 6 A.M., AND THE DEMOLITION OR MERGE OF UNITS ON THE SECOND STORY AND ABOVE IN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT; PRESERVE THE SMALL STOREFRONTS, STREET FRONTAGE AND PROHIBIT VEHICULAR ACCESS ON CERTAIN STREETS WITHIN THE NORTH BEACH NCD AND SUD; CREATE THE DEFINITION OF SPECIAL FOOD MANUFACTURING AND AMENDING THE EATING AND DRINKING CONTROLS FOR THE NORTH BEACH SUD; REQUIRING CONDITIONAL USE FOR BARS AND PRINCIPALLY PERMITTING RESTAURANTS IN THE BROADWAY NCD; 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, AND ADOPTING FINDINGS OF PUBLIC CONVENIENCE, NECESSITY, AND WELFARE UNDER PLANNING CODE SECTION 302.

WHEREAS, On February 12, 2015, the Board of Supervisors Passed Phase One of the Planning Reorganization project under Board File 141253 and Enactment Number 022-15, which focused on consolidating definitions into one section of the Planning Code and reorganizing Article 2 of the Planning Code so that it uses zoning control tables; and

WHEREAS, The Code Reorganization Project seeks to restructure the Planning Code so that it's easier to read, understand, and use; and

WHEREAS, the proposed amendments are contained in two ordinances, which are adopted together under this single Resolution; and

WHEREAS, Phase Two and Phase Three were discussed as part of the overall Planning Code Reorganization project effort during the adoption process of Phase One; and

WHEREAS, Phase Two of the Code Reorganization Project will remove duplicative definitions in the Planning Code bringing more consistency to how land use is regulated in San Francisco; and

WHEREAS, Phase Two will also reformat the Neighborhood Commercial District zoning control tables in Article 7 of the Planning Code to make them consistent with the zoning control tables in Article 2; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to initiate of the proposed Ordinance on June 30, 2016; and,

WHEREAS, The Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider adoption of the proposed Ordinance on February 2, 2017; 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 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance.

The Commission's Proposed Modifications are as follows:

1. Staff shall continue to review and refine the proposed ordinance to ensure that the existing land use controls will be maintained.

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:

1. The Commission finds that at over 1336 pages and including 111 zoning districts, the Planning Code is a large and complicated document. This complexity, some of which is necessary, can make it difficult to effectively implement and interpret the City's land use regulations. It also makes it difficult for members of the community to effectively engage in the City's development process.

2. The Commission strongly believes that consolidating use definitions and making the Planning Code easier to use by creating zoning control tables for all zoning districts will help mitigate these issues.

3. The Commission further finds that standardizing how zoning districts are organized will aide future community planning efforts by providing a clear framework for existing land use regulations and use definitions.

4. The Commission finds that while this Ordinance is extremely large, it is not seeking to make any substantive policy changes to the City's land use controls that have not already been reviewed and voted on by this Commission.

5. The Commission finds that Staff has thoroughly reviewed and vetted the proposed Ordinance, and has held or attended several community meetings to seek input and answer questions on the proposed changes. This effort has created a more complete and accurate Ordinance; however as with any large undertaking small errors and typos are inevitable. As such, the Commission has included in its recommendation a provision that allows Planning Staff to continue to refine the proposed Ordinance.

6. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

Housing element

OBJECTIVE 10
ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

Policy 10.1
Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

The proposed Ordinance will bring more consistency to the Planning Code by consolidating uses into one section of the Code. This will ensure that each zoning district references one definition for a particular use. The proposed Ordinance will also reorganize Article 7 so that the zoning controls for each district are consistent with the other zoning control tables in the Planning Code. Both of these improvements will help bring certainty to the development process by providing clear community parameters for development and consistent application of these regulations.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.2
Assure that all commercial and industrial uses meet minimum, reasonable performance standards.
The proposed Ordinance organizes the commercial and industrial operating and location restrictions into one easily referenced section of the planning code helping to ensure that such standards are enforced and understood.

Policy1.3
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed ordinance will preserve appropriate land use controls for commercially zoned property.

7. **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.

8. **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 recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 2, 2017.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel,

NOES: Melgar, Moore

ABSENT: Richards

ADOPTED: February 2, 2017