

File No. 170466

Committee Item No. 4
Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date April 24, 2017

Board of Supervisors Meeting

Date May 9, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 19847</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Small Business Commission Recommendation</u> |
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Completed by: Alisa Somera Date April 20, 2017
Completed by: Alisa Somera 237 Date April 21, 2017

1 [Planning Code - Noriega, Irving, Taraval, and Judah NCDs; Conditional Use Authorization for
2 Bars, Liquor Stores, Personal Services, and Medical Cannabis Dispensaries Article 7
3 Reorganization; Technical and Other Amendments]

4 **Ordinance amending the Planning Code to require in the Noriega, Irving, Taraval, and**
5 **Judah Neighborhood Commercial Districts a Conditional Use authorization for Bars,**
6 **Liquor Stores, and Medical Cannabis Dispensaries on the first story and for Personal**
7 **Services on the second story; reorganize Article 7 and to update, correct, clarify, and**
8 **simplify Code language in other Planning Code Sections; requiring Conditional Use**
9 **authorization for Bars, and Liquor Stores on the first floor in the Noriega, Irving,**
10 **Taraval, and Judah Neighborhood Commercial Districts; enacting permanent controls**
11 **requiring Conditional Use authorization for Medical Cannabis Dispensaries in the**
12 **Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts; require**
13 **Conditional Use authorization for Personal Services on the second floor in the Noriega,**
14 **Irving, Taraval, and Judah Neighborhood Commercial Districts; prohibit Kennels, Large**
15 **Scale Urban Agriculture, Business Hours from 2 a.m. to 6 a.m., and the demolition or**
16 **merger of units on the second story and above in the North Beach Neighborhood**
17 **Commercial District; preserve the small storefronts, street frontage and prohibit**
18 **vehicular access on certain streets within the North Beach NCD and SUD; create the**
19 **definition of Special Food Manufacturing and amending the Eating and Drinking**
20 **Controls for the North Beach SUD; affirming the Planning Department's determination**
21 **under the California Environmental Quality Act; and making findings of consistency**
22 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1,**
23 **and findings of public convenience, necessity, and welfare under Planning Code,**
24 **Section 302.**
25

1 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
2 **Additions to Codes** are in *single-underline italics Times New Roman font*.
3 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
4 **Board amendment additions** are in double-underlined Arial font.
5 **Board amendment deletions** are in ~~strikethrough Arial font~~.
6 **Asterisks (* * * *)** indicate the omission of unchanged Code
7 subsections or parts of tables.

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

9 Section 1. Findings.

10 (a) The Planning Department has determined that the actions contemplated in this
11 ordinance comply with the California Environmental Quality Act (California Public Resources
12 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
13 Supervisors in File No. 170466 and is incorporated herein by reference. The Board affirms
14 this determination.

15 (b) On February 2, 2017, the Planning Commission, in Resolution No. 19847,
16 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
17 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
18 Board adopts these findings [OR, this determination] as its own. A copy of said Resolution
19 [OR determination] is on file with the Clerk of the Board of Supervisors in File No. 170466,
20 and is incorporated herein by reference.

21 Section 2. The Planning Code is hereby amended by revising Sections 739, 740, 741,
22 and 742, to read as follows:

23 **SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

24 * * * *

1 **Table 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * * *

| COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES | | | | | | |
|---|---|--------------|----------------------------------|------------|------|------|
| **** | **** | **** | **** | | | |
| No. | Zoning Category | § References | Noriega Street Controls by Story | | | |
| | | | 1st | 2nd | 3rd+ | |
| | | § 790.118 | | | | |
| Retail Sales and Services | | | | | | |
| 739.40 | Other Retail Sales and Services [Not Listed Below] | § 790.102 | P | P | | |
| 739.41 | Bar | § 790.22 | <u>P C</u> | | | |
| **** | **** | **** | **** | **** | **** | **** |
| 739.45 | Liquor Store | § 790.55 | <u>P C</u> | | | |
| **** | **** | **** | **** | **** | **** | **** |
| 739.52 | Personal Service | § 790.116 | P | <u>P C</u> | | |
| **** | **** | **** | **** | **** | **** | **** |
| Institutions and Non-Retail Sales and Services | | | | | | |
| **** | **** | **** | **** | **** | **** | **** |
| 739.84 | Medical Cannabis Dispensary | § 790.141 | <u>P C</u> # | | | |
| **** | **** | **** | **** | **** | **** | **** |

21 **SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 * * * * *

1 **Table 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

| COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES | | | | | | |
|---|---|--------------|---------------------------------|------------|------|--|
| **** | **** | **** | **** | | | |
| No. | Zoning Category | § References | Irving Street Controls by Story | | | |
| | | § 790.118 | 1st | 2nd | 3rd+ | |
| Retail Sales and Services | | | | | | |
| 740.40 | Other Retail Sales and Services [Not Listed Below] | § 790.102 | P | P | | |
| 740.41 | Bar | § 790.22 | <u>P C</u> | | | |
| **** | **** | **** | **** | **** | **** | |
| 740.45 | Liquor Store | § 790.55 | <u>P C</u> | | | |
| **** | **** | **** | **** | **** | **** | |
| 740.52 | Personal Service | § 790.116 | P | <u>P C</u> | | |
| **** | **** | **** | **** | **** | **** | |
| Institutions and Non-Retail Sales and Services | | | | | | |
| **** | **** | **** | **** | **** | **** | |
| 740.84 | Medical Cannabis Dispensary | § 790.141 | <u>P C</u> # | | | |
| **** | **** | **** | **** | **** | **** | |

21 **SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 * * * *

1 **Table 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 **COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES**

4 **** **** **** ****

| No. | Zoning Category | § References | <i>Taraval Street Controls by Story</i> | | |
|---|--|--------------|---|------------|-------------|
| | | § 790.118 | <i>1st</i> | <i>2nd</i> | <i>3rd+</i> |
| Retail Sales and Services | | | | | |
| 741.40 | Other Retail Sales and Services <i>[Not Listed Below]</i> | § 790.102 | P | P | |
| 741.41 | Bar | § 790.22 | <u>P C</u> | | |
| **** | **** | **** | **** | **** | **** |
| 741.45 | Liquor Store | § 790.55 | <u>P C</u> | | |
| **** | **** | **** | **** | **** | **** |
| 741.52 | Personal Service | § 790.116 | P | <u>P C</u> | |
| **** | **** | **** | **** | **** | **** |
| Institutions and Non-Retail Sales and Services | | | | | |
| 741.84 | Medical Cannabis Dispensary | § 790.141 | <u>P C#</u> | | |
| **** | **** | **** | **** | **** | **** |

19
20
21 **SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 * * * *

1 Table 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 2 ZONING CONTROL TABLE

3 * * * *

| COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES | | | | | | |
|---|---|--------------|--------------------------------|------------|------|------|
| **** | **** | **** | **** | | | |
| No. | Zoning Category | § References | Judah Street Controls by Story | | | |
| | | § 790.118 | 1st | 2nd | 3rd+ | |
| Retail Sales and Services | | | | | | |
| 742.40 | Other Retail Sales and Services [Not Listed Below] | § 790.102 | P | P | | |
| 742.41 | Bar | § 790.22 | <u>P C</u> | | | |
| **** | **** | **** | **** | **** | **** | **** |
| 742.45 | Liquor Store | § 790.55 | <u>P C</u> | | | |
| **** | **** | **** | **** | **** | **** | **** |
| 742.52 | Personal Service | § 790.116 | P | <u>P C</u> | | |
| **** | **** | **** | **** | **** | **** | **** |
| Institutions and Non-Retail Sales and Services | | | | | | |
| **** | **** | **** | **** | **** | **** | **** |
| 742.84 | Medical Cannabis Dispensary | § 790.141 | <u>P C</u> # | | | |
| **** | **** | **** | **** | **** | **** | **** |

21 Section 3. At its meeting of April 24, 2017, the Land Use and Transportation
 22 Committee of the Board of Supervisors duplicated the ordinance in File No. 170203, and
 23 amended the duplicate file to make the changes to the Noriega, Irving, Taraval, and Judah
 24 Neighborhood Commercial Districts as set forth in Section 2 of this ordinance. The remaining
 25

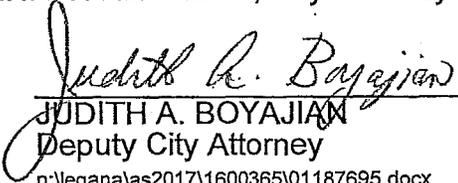
1 Sections of the Planning Code that the ordinance in File No. 170203 proposes to amend have
2 been removed from this duplicated ordinance.

3
4 Section 4. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 JUDITH A. BOYAJIAN
Deputy City Attorney

20 n:\vegana\as2017\1600365\01187695.docx

REVISED LEGISLATIVE DIGEST
(4/24/2017, Amended in Committee)

[Planning Code - Noriega, Irving, Taraval, and Judah NCDs; Conditional Use Authorization for Bars, Liquor Stores, Personal Services, and Medical Cannabis Dispensaries]

Ordinance amending the Planning Code to require in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts a Conditional Use authorization for Bars, Liquor Stores, and Medical Cannabis Dispensaries on the first story and for Personal Services on the second story; 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Article 7 establishes a number of general and named Neighborhood Commercial and Neighborhood Commercial Transit Districts as well as some Subdistricts and Restricted Use Districts. Land use controls, development standards, and density controls for each District are outlined in a Zoning Control Table.

Amendments to Current Law

This ordinance amends the Zoning Control Tables for the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts to require Conditional Use authorization for Bars, Liquor Stores, and Medical Cannabis Dispensaries on the first story and for Personal Services on the second story. The Conditional Use authorization for Medical Cannabis Dispensaries makes permanent the existing interim controls.

Background Information

At its meeting on April 24, 2017, the Land Use and Transportation Committee of the Board of Supervisors duplicated the ordinance in File No.170203 and amended the duplicate file to make the changes to the Noriega, Irving, Taraval, and Judah Neighborhood Commercial District Zoning Control Tables as set forth in Section 2 of this ordinance.

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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

March 7, 2017

File No. 170203

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On February 28, 2017, Mayor Lee introduced the following proposed legislation:

File No. 170203

Ordinance amending 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 ("NCDs"); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; 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 NCD; 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; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By: *Aisa Somera*
Aisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

- c: Joy Navarrete, Environmental Planning
- Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections
15060(c) and 15378 because it does not result in a
physical change in the environment.

Jeanie Poling 3/9/17



SAN FRANCISCO PLANNING DEPARTMENT

February 28, 2017

Ms. Angela Calvillo, Clerk
Honorable Mayor Lee
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2014-001965PCA
Article 7: Phase 2 of the Planning Code Reorganization Project
Board File No. TBD
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Mayor Lee

On February 2, 2017, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance, initiated by the Planning Commission, that would amend 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; and create the definition of Special Food Manufacturing and amending the Eating and Drinking Controls for the North Beach SUD amend Planning Code Section 249.62. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

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

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Our office understands that Mayor Lee will be introducing this Ordinance at the Board and taking over sponsorship.

Transmittal Materials

CASE NO. 2014-001965PCA
Article 7: Phase 2 of the Planning Code Reorganization Project

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:

Judith Boyajian, Deputy City Attorney
Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Office of Mayor Edwin Lee
Shahde Tavakoli, Legislative Aide, Office of Mayor Edwin M. Lee
Andrea Ausberry, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

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

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Planning
Information:
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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.

Policy 1.3

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



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment HEARING DATE: FEBRUARY 2, 2017 EXPIRATION DATE: N/A

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
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Recommendation: Recommend Approval with Modifications

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PLANNING CODE AMENDMENT

Ordinance amending 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; and requiring Conditional Use for Bars and Principally Permitting Restaurants in the Broadway NCD.

The Way It Is Now:

Main Amendments

1. Article 7 of the Planning Code contains land use controls, development standards, and density controls for the City's Neighborhood Commercial Districts (NCD). These controls are outlined in zoning control tables.
2. All uses allowed in NCDs are defined in Section 790 of the Planning Code.
3. The Conditional Use (CU) mailed notice requirement is 20 days for NCD and Mixed Use Districts (MUD) and 10 days for all other zoning districts. The General Plan, and Variance mailing requirement is 10 days for all zoning districts.
4. Section 316 contains CU procedures and findings for NCDs and MUDs, which are essentially the same as the controls in Section 306 of the Planning Code.

Definition Changes

5. Other Entertainment; Public Use; Other Institution, Larger; Other Institution Small; Business or Professional Services; and Other Retail Sales and Service are all use definitions that group together several other uses. These "sub-uses" are regulated separately in zoning districts found in Article 2.
6. Massage Establishment, as defined in Section 790.60, includes the following uses defined in Section 102: Massage Establishment and Foot/Chair Massage. Per the definition, Foot and Chair Massage is allowed without a CU if it is visible to the public.
7. Personal Services, as defined in Section 790.116, includes the following uses defined in Section 102: Personal Service and Instructional Services.
8. Takeout Food Use is defined in Section 102 as an individual Retail Sales and Service Use; it is also defined in Section 790.122 as an individual use.
9. Mobile Food Facilities are currently listed as a separate use in the Article 2 zoning control tables, and defined as a distinct and separate use in Section 102 of the Planning Code.
10. Use Characteristic is a term used in the Article 2 zoning control tables but not currently defined in the Planning Code.
11. Accessory Uses are defined in Section 204 of the Planning Code.

Sunset NCD Amendments

12. Bars and Liquor Stores are principally permitted on the first floor in the Noriega, Irving, Taraval, and Judah NCDs;
13. An interim control requires CU authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs.
14. Personal Services are principally permitted on the second floor in the Noriega, Irving, Taraval, and Judah NCDs.

North Beach NCD and SUD¹ Amendments

15. Ground Floor Commercial is not required in the North Beach NCD and SUD per Section 145.4.
16. There are no limits on lot mergers within the North Beach NCD and SUD per Section 121.7.
17. There are no limits on storefront consolidation in the North Beach NCD and SUD.
18. Per Section 155, vehicular access (driveway) is prohibited on Columbus between Washington and North Point Streets, but permitted on Grant Avenue, and Green Street.
19. Large Scale Agriculture and Kennels require CU authorization within the North Beach NCD.
20. Within the North Beach NCD and SUD, Business Hours may be extended from 2:00 AM to 6:00 AM with CU authorization.

¹The North Beach NCD and SUD are coterminous.

21. Within the North Beach NCD and SUD, Restaurants are exempt from the 18-month abandonment period per Section 186.1. Instead, Restaurants are considered abandoned after three years, which is the standard throughout the Code.
22. Within the North Beach NCD and SUD, Movie Theaters are exempt from the non-residential use size limits in Section 121.2.
23. Limited-Restaurants are permitted as an accessory use in all NCDs, including the North Beach NCD and SUD.
24. Bakeries and other specialty food manufacturing businesses are considered Limited Restaurants in the North Beach NCD and SUD and require CU authorization.
25. Eating and Drinking uses in the North Beach SUD are permitted with CU authorization only if they do not take over a space previously occupied by a Basic Neighborhood Sale or Service use, as defined in Planning Code Section 780.3.

Broadway NCD Amendments

26. Within the Broadway NCD, Bars are principally permitted and Restaurants require CU authorization.

The Way It Would Be:

Main Amendments

1. Article 7 of the Planning Code will still contain land use controls, development standards, and density controls for the City's NCDs; however the proposed ordinance would revise the zoning control tables to match the tables in Article 2.
2. Use definitions in Section 790 of the Planning Code would be deleted. NCDs would use the standardized use definitions in Section 102.
3. The CU, General Plan, and Variance mailing noticing requirement would be 20 days for all zoning districts.
4. Section 316 would be deleted. Conditional Use procedures and findings for CUs in NCDs and MUDs would be found in Section 306 of the Planning Code along with all other zoning districts.

Definition Changes

5. The following use groupings would be split-up into more discrete uses so that they can be regulated separately. The control for the use would be the same as the control for the use grouping. For example, if Other Entertainment requires Conditional Use authorization, then General Entertainment and Nighttime Entertainment would also require a Conditional Use authorization.
 - a. **Other Entertainment:** General Entertainment, and Nighttime Entertainment.
 - b. **Public Use:** Public Facilities, Open Recreation Area, Passive Outdoor Recreation, Community Recycling Center, Internet Service Exchange, Public Transportation Facility, Utility Installation, and Wireless Telecommunications Services Facility.

- c. **Other Institution, Small:** Childcare Facilities with 12 or fewer children and Residential Care Facilities with six or fewer persons (Please note that the numerical distinctions would be maintained as they relate to how the use is regulated, but there would only be one definition for these uses in Section 102).
 - d. **Other Institutions, Large:** Child Care Facilities with 13 or more children, Residential Care Facilities with seven or more people, Community Facilities, Private Community Facilities, Job Training, Post-Secondary Educational Institution, School, Religious Institution, Social Service or Philanthropic Facility, and Trade School.
 - e. **Other Retail Sales and Service:** General Retail Sales & Service, General Grocery, Specialty Grocery, Cat Boarding, Tourist Oriented Gift Store, Jewelry Store, Non-Auto Vehicle Sales/Rental, and Pharmacy.
 - f. **Business or Professional Services:** Retail Professional Service, Design Professional, and Trade Office.
6. Massage Establishment and Foot/Chair Massage will be regulated separately in the zoning control tables in Article 7. Currently, Foot and Chair Massage is allowed without a CU if it is visible to the public; therefore if a Massage use is permitted with a CU in that zoning district, Foot and Chair massage would be principally permitted on the ground floor and require CU on the upper floors. If Massage use is not permitted in that district, Foot and Chair Massage would not be permitted.
 7. Personal Services and Instructional Service will be regulated separately in the zoning control tables in Article 7; however, they will both have the same controls that Personal Service currently has in that district.
 8. Takeout Food Use would be removed from the Planning Code as a separately defined use.
 9. The definition for Mobile Food Facilities would be amended so that it is no longer a within the Retail Sales and Service use category. The new definition would indicate how the use is regulated (either as a temporary use or a permanent restaurant use).
 10. A definition for "Use Characteristic" would be added to Section 102.
 11. The definition of Accessory Uses in Section 204 would be moved to Section 102.

Sunset NCD Amendments

12. Bars and Liquor Stores would require CU authorization on the first floor in the Noriega, Irving, Taraval, and Judah NCDs;
13. The existing interim control that requires CU authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs would become permanent.
14. Personal Services would require CU authorization to establish on the second floor in the Noriega, Irving, Taraval, and Judah NCDs.

North Beach NCD and SUD

15. Ground Floor Commercial would be required in the North Beach NCD and SUD per Section 145.4; however this requirement could be amended with CU authorization.
16. Per Section 121.7, lot mergers within the North Beach NCD and SUD of over 25 feet in width would require CU authorization or a waiver by the Zoning Administrator per Section 121.7.

17. Storefront mergers would be prohibited within in the North Beach NCD and SUD.
18. In addition to the prohibitions on vehicular access on Columbus Avenue, vehicular access would also be prohibited on Grant Avenue between Columbus Avenue and Filbert Street, and Green Street between Grant Avenue and Columbus/Stockton Streets.
19. Large Scale Agriculture and Kennels would be prohibited within the North Beach NCD.
20. Business Hours between 2:00 AM to 6:00 AM would be prohibited.
21. Within the North Beach NCD, Restaurants would be subject to the 18-month abandonment period per Section 186.1.
22. Within the North Beach NCD, Movie Theaters would no longer be exempt from the non-residential use size limits in Section 121.2.
23. Limited-Restaurants would no longer be permitted as an Accessory Use in the North Beach NCD.
24. The definitions "Specialty Food Manufacturing" would be added to the North Beach SUD and require CU for approval within the SUD. This use would cover bakeries and other such businesses.
25. The North Beach SUD would be amended to permit Eating and Drinking uses with CU authorization on the ground floor only if the following is met: A Bar may occupy a space that is currently or last legally occupied by a Bar; a Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and a Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant or Bar.
26. Within the Broadway NCD, Bars would require CU authorization and Restaurants would be principally permitted.

BACKGROUND

Planning Code's Evolution

In 1921 The City established its first citywide zoning district system, later titled "a City Planning Code." The Code consisted of 14 maps, which divided every parcel into one of six permitted categories or districts: First Residential, Second Residential, Commercial, Light Industrial, Heavy Industrial, and Unrestricted. There were literally no constraints placed on the use of land in the "Unrestricted" district. Over time, the Planning Code grew in complexity, and by 1974 it consisted of 134 pages and 20 zoning Districts. By 1996, the Code had gone through a tremendous amount of change including the establishment of RH, RM, RC, Downtown, Chinatown, South of Market, and Mission Bay Districts. It included two volumes and contained 443 pages excluding the index, and temporary zoning controls. Since 1996 PDR, RTO, and Easter Neighborhood's MUDs have been added to the Planning Code. Today, the Code contains over 1,300 pages and 111 zoning districts.

With each new addition came a different way of promulgating zoning information. By the 1940s, the zoning district's use controls were shown in a table with the zoning districts arranged at the top of the table and the uses, including the definition of the use, arranged on the side of the table. Inside the chart contained the control, indicating whether the use was permitted, required conditional use or was not permitted. When the NCDs were added in the mid-1980s, zoning control tables were introduced to the Code. This new way of organization information moved the definitions out of the tables and into a separate section (Section 790), and introduced vertical zoning, which controlled the use by floor. It also

gave each district its own chart that included development requirements like height and bulk restrictions, parking requirements, hours of operation, etc.

When Chinatown and the South of Market Districts were added to the Code they followed a similar format as Article 7, using zoning control tables and adding another set of use definitions (Section 890). Many of these definitions duplicated the use definitions in Article 7. Some exceptions include Chinatown specific definitions like Jewelry Store, and Tourist Oriented Gift-Store, and in the South of Market Districts Design Professional, Laboratory and Life Sciences. Article 9, which controls the land uses in Mission Bay, also has its own set of definitions. At the start of this project there were three separate sets of use definitions in the Code (Section 2, 7, and 8) one set of general definitions in Article 1, fee specific definitions in Article 4, sign specific definitions in Article 6, and Mission Bay specific definitions in Article 9. By the end of the project there will only be one set of use definitions and general definitions, located in Section 102. Article specific definitions will still live in their respective sections.

Overall Goals and Phasing

Initiated in 2013, the Code Reorganization Project seeks to restructure the Planning Code so that it's easier to read, understand, and use. This Ordinance includes Phase 2 of the Planning Code Reorganization project and focuses on Article 7 of the Planning Code. Phase 1 was adopted by the Board of Supervisor on February 10, 2016 (Board File 141253), and signed by the Mayor on February 20, 2015 (Enactment Number 022-15).

Phase 1 of the Code Reorganization Project consolidated all use definitions into Section 102 of the Code. It also reorganized Article 2, which includes Residential (RH, RM, and RC), Downtown (C-3), and Industrial (PDR, and M) zoning districts, by creating zoning control tables similar to the ones already used in our NCDs. The benefit to zoning control tables is that they allow the users to obtain building standards and use controls for a particular zoning district in one easy to use chart. The Planning Commission unanimously recommended approval of the Phase 1, the Article 2 Reorganization Ordinance, in October of 2014.

Having successfully completed Phase 1 with significant community support, the Department moved on to Phase 2. This phase of the project focuses on Article 7 of the Planning Code, which contains controls for NCDs. Phase 2 deletes the definitions in Article 7 (Planning Code Section 790) so that NCDs use the same consolidated definitions in Section 102 created in Phase 1, and updates the format of the Zoning Control Tables. The final phase, Phase 3, will do the same thing for Article 8 of the Planning Code (Mixed Use Districts), and will be initiated once Article 7 is complete.

ISSUES AND CONSIDERATIONS

Two Ordinances, One Goal

The proposed "ordinance" is split into two separate ordinances. One ordinance deletes all of the Article 7 zoning control tables and Article 7 use definitions in Section 790. The other ordinance adds the new zoning control tables back and makes other proposed changes. This was done to make the changes easier to identify and understand, and to make the ordinance more manageable. It also cuts down on the number of pages that the public has to print out.

Use Consolidation and Changes

Phase 1 of the Code Reorganization project consolidated all use definitions and definitions that are used universally throughout the Planning Code into Section 102. Repeating use definitions that apply to all zoning districts in multiple places needlessly complicated the Planning Code, especially when many of those definitions are identical or overlap. At the end of this project there will no longer be use definitions in Articles 2, 7, or 8. Instead all zoning districts will use the definitions in Section 102.

In consolidating the definitions into Section 102, Staff was careful to preserve all existing use definitions so that existing land use controls could be preserved. To achieve this, use groupings (definitions that include multiple discrete uses) were broken up into their more discrete uses (see items 5-7 in "The Way It Is/Will Be" section). For example, in Article 2 Institutional Uses like Hospitals, Schools, and Social Services are all regulated and defined separately; however, in Articles 7 and 8 these uses are combined into a definition called Other Large Institution. Conversely Articles 7 and 8 are very specific when it comes to Retail Sales and Services Uses, whereas Article 2 made few distinctions in this category. Under the new Section 102 definition the Use Category Retail Sales and Service includes 33 different uses, the vast majority of which came from Articles 7 and 8. The new consolidated set of use definitions ensure that existing fine grained controls in all districts can be maintained, while reducing redundancy in the Code by eliminating multiple sets of definitions.

The following Section 790 definitions have been broken up into their more discrete uses in Section 102:

- **Public Use:** Public Facilities, Open Recreation Area, Passive Outdoor Recreation, Community Recycling Center, Internet Service Exchange, Public Transportation Facility, Utility Installation, and Wireless Telecommunications Services Facility.
- **Other Institution, Small:** Childcare Facilities with 12 or fewer children and Residential Care Facilities with six or fewer persons.
- **Other Institutions, Large:** Child Care Facilities with 13 or more children, Residential Care Facilities with seven or more people, Community Facilities, Private Community Facilities, Job Training, Post-Secondary Educational Institution, School, Religious Institution, Social Service or Philanthropic Facility, and Trade School.
- **Other Retail Sales and Service:** General Retail Sales & Service, General Grocery, Specialty Grocery, Cat Boarding, Tourist Oriented Gift Store, Jewelry Store, Non-Auto Vehicle Sales/Rental, and Pharmacy.
- **Massage Establishment:** Massage Establishment and Foot/Chair Massage
- **Personal Services:** Personal Service and Instructional Services.
- **Business or Professional Services:** Retail Professional Service, Design Professional, and Trade Office.
- **Other Entertainment:** General Entertainment, and Nighttime Entertainment.

Organizing Structure

The organizational system that this ordinance uses was developed as part of Phase 1 of the Code Reorganization Project. As stated earlier, one of the goals of this project is to bring consistency to the Planning Code. This consistency extends not only to the use definitions, but also to how those controls are promulgated. The organization system is based on eight defined use categories. This system allows

for all uses to be accounted for in each zoning district without having to list each use in every chart. Each use definition starts by indicating which use category it belongs to, and each use category is defined in Section 102 and includes all the uses that are within that category.

All of the Planning Code's 116 uses definitions have been placed in one of the following eight use categories:

1. Agriculture
2. Industrial
3. Institutional: Education, Healthcare and Community
4. Sales and Service: Retail, Non-Retail
5. Residential
6. Entertainment, Arts and Recreation: Non-Commercial, Retail
7. Automotive: Non-Retail, Retail
8. Utility and Infrastructure

These categories then inform how the zoning control tables are organized. Each use category has its own section in the table in which the category is listed first, followed by any use in that category that has a different land use control. Below is an example of how this works in the zoning control tables (the "**" indicates "Not Listed Below"):

| | | Controls by Story | | |
|-----------------------------------|-----------------|-------------------|-----|-----|
| Industrial Use Category | Section | 1st | 2nd | 3rd |
| Industrial Uses | §§102, 202.2(d) | NP | NP | NP |
| Institutional Use Category | | | | |
| Institutional Uses* | §102 | P | C | C |
| Child Care Facility | §102 | P | P | P |
| Hospital | §102 | NP | NP | NP |
| Medical Cannabis Dispensary | §§102, 202.2(e) | DR | NP | NP |
| Philanthropic Admin. Services | §102 | NP | NP | NP |
| Public Facilities | §102 | C | C | C |
| Residential Care Facility | §102 | P | P | P |

As shown in the table above, instead of listing all 21 Industrial Uses in the zoning control table, the chart only lists the Industrial Use category, and then indicates that the uses under this category are NP (not permitted). Under Institutional Uses, instead of listing all 14 different Institutional Uses, the chart only lists those uses that have controls different from the overall use category. This organizational system helps reduce the length and complexity of the tables. If the reader wants to know what uses are included in the category, they can look it up in Section 102. Conversely, if someone wants to know what category a use is in they can look at the definition of the use in Section 102.

This system also allows every use definition to be accounted for in each district. Currently, in Articles 7 and 8, if the definition is not listed it is not permitted with some exceptions. Staff has found that omitting the use from the table makes the Code vague, especially for members of the public who are not aware of

the rule. Also some charts list uses that others don't, only adding to the confusion. It also requires the Zoning Administrator to make interpretations about some missing uses. For example, Kennels are not listed in the Article 7 charts, but Animal Hospitals are listed. Because the question came up with a proposed project, the Zoning Administrator made an interpretation that Kennels are regulated like Animal Hospitals in NCDs. Accounting for every use in the Code in all zoning districts will help reduce the need to Zoning Administrator interpretations and make the Code clearer for users.

Deletion of Section 316 and the 20-Day Notice

Planning Code Section 316 outlines the procedures for CU authorization in NCDs, and MUDs. The section is not substantially different than Section 306, which outlines the CU procedures for all other zoning districts in the City. In fact, in several instances the reader is directed back to Section 306. The one significant difference is the 20-day mailed notice required for CU applications in NCDs. In all other districts this mailed notice is required 10 days prior to the hearing. The Department is proposing to maintain the 20-day noticing period and use it for all mailed CU, General Plan, and Variance notices in all zoning districts. Further, other requirements for posted notices, and newspaper notices are already 20 days in all zoning districts. This change will help standardize the noticing requirements in the Planning Code.

Take Out Food Amendments

Take-Out food definition was created when the NCDs were added to the Code in order to clarify what it means to have an accessory takeout food use. It is also a holdover from the eating and drinking uses that existed prior to the Restaurant Rationalization Ordinance in 2011 (Board File 120084). This use was categorized as Retail Sales and Service use as part of Phase 1 of the Planning Code Reorganization project. The activities included in the Take-Out Food use are covered under the Limited Restaurant definition. With Limited Restaurants you can either serve food for on-site or off-site consumption and no seating is required; therefore, as a standalone use Take-Out Food is no longer needed. Further, the definitions for Restaurant, Grocery and Specialty Grocery have all been amended to clarify that a take-out food activity is permitted with these use types. Given that the definition is redundant and no longer needed, Staff has decided to remove it from the Planning Code as part of this ordinance. This change will not impact how we regulate take-out food in the Planning Code, but will remove a redundant use.

Mobile Food Facility Definition Changes

Mobile Food Facilities is a use that is particular to the Public Works Code, which regulates this use within the public right-of-way. It only comes under the Planning Departments purview when it is outside of the public right-of-way. In those instances, if the use is temporary it is regulated as an intermittent temporary use in Planning Code Section 204.5. When it is not an intermittent temporary use per Section 204.5 it is then considered either a Limited-Restaurant or Restaurant. Therefore, the Department is amending the definition to remove it from the list of Retail Sales and Service use category so that it doesn't show up in the zoning control tables as a separate use. The definitions is also being amended to say that Mobile Food Facilities are either temporary uses, depending on how long they intend to operate, or permanent uses regulated as either Limited Restaurants or Restaurants. How this activity is regulated will not change.

Changes Requested by Supervisors

The proposed ordinance does include some substantive changes, most which were requested by Supervisors Tang and Peskin. During the drafting of this ordinance, the Planning Department was in discussions with Supervisor Tang's office on amendments that she wanted to make to the NCDs within her District. Staff felt that it was possible to include these changes in the proposed Article 7 reorganization. After initiation, at Supervisor Peskin's request, Staff worked with representatives from the North Beach neighborhood – Kathleen Dooley and Nancy Shanahan - on changes that they wanted to see in the North Beach and Broadway NCDs. The items listed below are supported by the Planning Department and included in the proposed ordinance; however, like proposed changes to the Planning Code initiated by a Supervisor's office, the Department assumes that the Supervisors have done their community outreach regarding the proposed changes.

Sunset Neighborhood Commercial Districts

1. **Make permanent the interim controls that require CU authorization for Medical Cannabis Dispensaries in the Sunset NCDs.** The CU requirement was inadvertently taken out as part of the Article 2 Reorganization. As a stop gap measure, the Supervisor passed interim controls that put them back. The changes in this ordinance would make them permanent.
2. **Require CU for Bars and Liquor Stores on the ground floor.** These uses are currently principally permitted in these districts; however, these uses typically require a CU authorization in most NCDs.
3. **Require CU approval for Personal Service uses on the ground floor and principally permit Instructional Services on the second floor.** These two uses were separated as part of the Phase 1 of the Code Reorganization project with the intention of regulating them separately in the Sunset NC Districts. The purpose of regulating them separately is to reduce the possibility of Personal Service uses located on the second floor from being used as a cover for illicit activities. This is an ongoing issue that the Supervisor has been trying to address in her district.

Changes to North Beach NCD and SUD² and the Broadway NCD

Staff intentionally reached out to representatives from North Beach early in the process. The North Beach NC District with its coterminous Special Use District (SUD) and complicated list of specific provisions is by far the most complex NCD in the City, and provided the most opportunity for error or oversight. Staff initiated discussion in February of 2016 with representatives from North Beach and since then has had several meetings and numerous phone calls discussing the ordinance. Not all of the requested changes from Supervisor Peskin's office were included in the proposed ordinance. In general, Staff did not include requested changes that extended beyond the boundaries and the North Beach NCD and SUD, or which we felt needed more analysis. The full list of requested changes is attached as Exhibit B.

² The North Beach NCD and North Beach SUD are coterminous. The SUD allows more nuanced controls with regards to eating and drinking uses.

Neighborhood Character

1. **Required Ground Floor Commercial.** This change is intended to reinforce the existing character of the neighborhood, which has ground floor commercial and residential units above. Typically, Section 145.4 only requires ground floor uses on certain street of a particular NCD; however, in this case the entire NCD would be required to have the commercial uses that are listed in Table 145.4 and permitted in the District. This requirement could be modified with CU authorization.
2. **Prohibit Storefront Consolidation.** This change is intended to help preserve the fine-grained character of the neighborhood with its small storefronts. This tool is also being used in the proposed Calle 24 SUD to protect that district's unique fine-grained character.
3. **Prohibit vehicular access on Grant Avenue and Green Street.** This tool is utilized in several other neighborhoods to not only reduce pedestrian and traffic conflicts but to maintain an active street frontage. Further, North Beach does not have minimum parking requirements, and is well served by transit eliminating the need for driveway accesses in this District.
4. **Prohibit the loss of dwelling units on upper floors.** The Planning Code already places significant restrictions on the removal of existing housing units; this provision will provide additional protection for existing units in this neighborhood.

Use Control Changes

5. **Prohibit Large Scale Agriculture.** This use is unlikely to be located within the district as it applies to agricultural production on plots one acre or larger or on smaller parcels that cannot meet the physical and operational standards for Neighborhood Agriculture. North Beach is one of the City's oldest and densest neighborhoods, and it is unlikely that such a use would be able to locate within the district.
6. **Prohibit Kennels.** Kennel is not separately listed in Article 7; however a Zoning Administrator interpretation allows Kennels through the same method as Animal Hospitals in NCDs. This change will prohibit such a use from being allowed in this district. There are currently no Kennels in North Beach.

Other Modifications

7. **Prohibit Business Hours from 2:00 AM to 6:00 AM.** According to Ms. Shanahan and Ms. Dooley, there are no 24 hour businesses in North Beach, and the neighborhood would like to preserve this type of use for the Broadway NCD, which is next to the North Beach NCD. Other NCDs also prohibit business hours between 2:00 AM and 6:00 AM.
8. **Reestablish 18-month period for restaurant abandonment.** This provision was included for a specific business, but is no longer needed. As such, Supervisor Peskin's office has requested that it be removed.
9. **Remove the use size exception for Movie Theaters.** This provision was added so that the Palace Theater, the only movie theater in North Beach, could reopen should it ever be rehabilitated. Since then, the Palace Theater has been demolished and this provision is no longer needed. The demolished theater is expected to be replaced with a mixed-use development.

Changes to the North Beach SUD:

10. Add "Specialty Food Manufacturing" definition and require CU for approval in the SUD.

North Beach has long tried to maintain its small-scale food manufactures like bakeries and gelaterias, some of which still maintain a connection to the neighborhood's historic Italian past. Since 2011, bakeries have fallen under the definition of Limited Restaurant; this has allowed bakeries in North Beach to convert to different eating and drinking uses without any public oversight. Adding this definition to the SUD will help preserve existing special food manufactures, and allow new ones to open in the neighborhood.

11. **Revise the SUD's Eating and Drinking controls to address change made under the 2011 Restaurant Ordinance.** The SUD is being amended to allow for more intensive Bar uses to convert to Restaurant Uses, and Restaurant Uses to convert to Limited-Restaurant Uses. Limited-Restaurant uses would not be able to convert to a Restaurant or Bar use. This is essentially what the SUD did prior to the 2011 Restaurant Ordinance; however, with the changes in the definitions the neighborhood was seeing more Limited Restaurants, which was not the original intent of the SUD's controls.

Changes to the Broadway NCD

12. **Allow Restaurants as of right and require CU authorization for Bars.** The Broadway NCD currently allows Bars as of right and requires CU authorization for Restaurants. This is exactly the opposite of the controls in many NC Districts primarily because Bars are thought of as a more impactful use than Restaurants. Supervisor Peskin's proposed amendment would reverse these controls to require CU authorization for Bars and allow Restaurants as of right.

Changes Since Initiation

Including clerical and other minor corrections and the changes to North Beach and Broadway listed above, staff made the following changes to the proposed ordinance since the Planning Commission initiation. Most of the changes are intended to make sure existing regulations are maintained, or to reconcile the ordinance with change made to the Code since initiation.

1. Reconciled Article 7 Ordinance with recently passed ADU legislation, Planning Code Section 317 changes, Upper Market NCT District Amendments, Sacramento Street NCD amendments, and WTS Facilities Ordinance.
2. Removed "Retail" designation from Art Entertainment and Recreation use category definition: some uses included in the category are not "retail," however those that are still identified as retail in their respective definitions.
3. Added back the controls by floor for Residential Uses to the zoning control tables. This allows all Residential Uses to be accounted for without having to list each one in the table.
4. Removed Arts Activities as permitted use in the NCDs. This is very broad use category and includes uses that are not currently permitted in NCDs. This use can still be permitted in NCDs on a case-by-case basis through the legislative process; however including them now would be a substantive change.
5. Added back Amusement Game Arcade use definition to the list of uses and to the NC District zoning control tables. This was the only use proposed for deletion; however, given the renewed interest in this use, staff has added it back to the Code.
6. Removed the changes to Section 182, 183, and 186.1, Non-conforming Use Controls. The proposed changes did not need to happen in this ordinance and a more thorough review and

reorganization of these sections is required. Staff removed this part of the ordinance based on community concerns.

7. Removed changes to Sections 204 and 204.3 Accessory Use Controls. The proposed changes were intended to consolidate all Accessory Use controls into these two sections of the Code. As a result the Accessory Use controls for Article 7 districts in Section 703.2 were added back into the Code as well. This was done in response to community concerns over unintended consequences, and to simplify the reorganization process. A consolidation could still happen in the future through its own separate ordinance.
8. Added the uses that were previously covered under Other Retail Sales and Service to the list of Formula Retail uses in Section 303.1. These uses include General Grocery, Specialty Grocery, Pharmacy, Jewelry Store, Tourist Oriented Gift Store, and Non-Auto Vehicle Sales or Rental. This change is intended to maintain existing controls on Formula Retail.
9. Modified the definition of Specially Grocery to prohibit seating. This change is intended to distinguish this use from the Limited Restaurant use.
10. Removed Section 168, Baby Diaper Changing Stations, from the proposed ordinance. This section is proposed for deletions from the Planning Code, as such it does not need to be amended.
11. Added a provision to Section 177, "Legitimization of Certain Massage Establishments" that allows the City Attorney to remove this section once the provision for legitimization expires.
12. Removed a provision for RC District in Table 209.3 that prohibited uses above the second floor. This change is intended to correct an error from Phase 1 of the Code Reorganization project.

Outreach and Process to Date

The Department originally presented the Planning Code Reorganization effort to the Planning Commission on June 20, 2013, while it was an informational presentation there was a general consensus from the Commission that the proposal should move forward. After, the Department held a series of community outreach meetings conducted before and after the ordinance was initiated by the Planning Commission. The Department spent the next few months further refining the proposed Ordinance based on feedback from the outreach meetings, comments from the Commission, and further analysis of the Planning Code. When it was finally adopted by the Planning Commission in October of 2013, those that had participated in the outreach meetings expressed their support for the proposed amendments.

For Phase 2, the Department has also done extensive public outreach, all of which have resulted in refinements and corrections to the proposed Ordinance. The following is a list of the Outreach conducted by staff:

- Staff hosted a pre-initiation outreach meeting on June 3, 2016.
- Staff hosted a post-initiation outreach meeting on September 7, 2016. The email invitation also included an offer to meet with individual neighborhood groups.
- Staff held an additional outreach meeting on January 4, 2017 that went over the proposed ordinance as well as the changes that had been made since the ordinance was initiated.
- Staff attended the CFSN membership meeting and present the proposal on July 19, 2016.
- Staff presented the proposal to the Small Business Commission.
- Staff presented the proposal to the Historic Preservation Commission.
- Staff met with representatives from the Pacific Avenue NCD, and the Polk Street NCD.
- Staff presented the proposal to the Mayor's Office of Economic and Workforce Development, Better Neighborhoods Program.

- Staff had several meetings and phone calls with representatives from Supervisor Peskin's office, and the North Beach NCD.
- Staff met with Paul Wermer on September 14, 2016 to discuss monitoring issues related to Article 7 Districts and Upper Fillmore NCD.
- Staff briefed all Land Use Aides on the proposal, and had more in-depth briefings with Supervisors Mar, Tang, and Breed's offices.

IMPLEMENTATION

The Department has determined that this ordinance will help the Department implement the Planning Code by standardizing the Planning Code, making it easier to use and understand. Overall, Current Planning Staff, Citywide Staff and Enforcement Staff have found the recent changes to Article 2 very helpful in clarifying controls and making the Code much easier to use.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval to initiate the Planning Code amendments.

RECOMMENDATION

The Department recommends that the Commission recommend approval with modifications of the proposed ordinance with the following recommendations:

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

BASIS FOR RECOMMENDATION

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. The Department 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. Further, 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.

Recommendation 1: Staff shall continue to review and refine the proposed ordinance to ensure that the existing land use controls will be maintained. While staff can continue to make non-substantive changes to the ordinance as it moves through the legislative process, there may be changes that the City Attorney's office considers substantive changes to the ordinance, but which are intended to preserve existing Planning Code controls. Staff respectfully asks that the Commission include this recommendation in their motion in case any such changes need to occur.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code is anticipated to result in no physical impact on the environment. Evaluation under CEQA will be complete prior to the initiation hearing.

PUBLIC COMMENT

The Department has received several letters from the CSFN expressing their concerns about the proposed ordinance. Their letters and responses are attached to this report (Exhibit C). In general they are concerned over the length of time they have been given to review the proposed ordinance (now over 7 months), changes that they see as significant and/or substantive, and the quality of the outreach meetings.

Staff also received a letter from Inga Horton (Exhibit C), which is also attached. She would like to see the controls for the Taraval Street Restaurant Sub-district integrated into the zoning control table for the Taraval NCD. She also requests that the names of the districts in the header above the tables be spelled out. Regarding Ms. Horton's first request, this sub-district applies to more than just the Taraval NCD, so it's not easily integrated into the zoning control table beyond what staff has already done; however, in consultation with the District Supervisor, Staff will continue to look at this issue and see if the information can be better integrated into the Taraval Street NCD or if the restaurant sub-district is still needed. Regarding Ms. Horton's second request, staff will continue to refine the ordinance to address her concerns as these are not substantive changes.

Staff also met with Paul Wermer who had concerns about the proposed deletion of the monitoring and reporting requirement for Article 7 in Section 701.2. Staff originally proposed removing this section because it is outdated. Mr. Wermer felt that if it is removed it should be replaced with something that is more up to date and meaningful than a "report to the Board of Supervisors on the Neighborhood Commercial Zoning controls... every twenty-four months..." Mr. Wermer raised some very good ideas on how this provision could be improved upon; however they far exceeded the scope of this ordinance. In recognition of this concern, staff has put back Section 701.2 into the Code until such time as a suitable and more effective replacement can be added.

Staff has worked extensively with Kathleen Dooley and Nancy Shanahan, who are representatives from North Beach and Telegraph Hill. As a result of these conversations, Supervisor Peskin requested the changes listed above to the North Beach NCD and SUD and the Broadway NCD. Ms. Dooley and Shanahan were also extremely helpful in identifying errors and omissions in the draft ordinance, which staff has corrected.

Outstanding concerns of Ms. Dooley and Shanahan include how the new Nighttime Entertainment and General Entertainment definitions replace the old Other Entertainment definition in Section 790.38. In general, The Nighttime Entertainment covers the more impactful uses that were listed under Other Entertainment, such as discos and theater productions where alcohol is served during performances. The General Entertainment definition covers those uses that are less impactful, such as bowling alleys, mini-golf, and skating rinks. Both of these uses are being regulated the same way that Other Entertainment was regulated.

Ms. Dooley and Ms. Shanahan also expressed concern that some of the proposed changes requested by Supervisor Peskin were not included in the proposed ordinance. Staff discusses this issue with them and said that we would include the requested changes in the Staff's case report (see exhibit B) so that the Commission had the opportunity to discuss them; however the changes the Department did not support would not be in the ordinance presented to the Planning Commission.

| |
|--|
| RECOMMENDATION: Approval with Modifications |
|--|

Executive Summary
Hearing Date: February 2, 2017

CASE NO. 2014-001965PCA
Article 7: Code Reorganization

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: List of requested amendments from Supervisor Peskin's Office via Nancy Shanahan and Kathleen Dooley
- Exhibit C: Public Comment Letters
- Exhibit D: Proposed Ordinance



SAN FRANCISCO

OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

April 14, 2017

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 170203 [Planning Code - Article 7 Reorganization; Technical and Other Amendments]

Small Business Commission Recommendation to the Board of Supervisors: **Approval**

Dear Ms. Calvillo,

On March 27, 2017, the Small Business Commission voted (6-0, 1 absent) to recommend that the Board of Supervisors approve BOS File No. 170203.

The legislation reorganizes portions of the Planning Code to streamline use definitions, create consistency in the format of zoning control tables, and reduce the need for complex cross-referencing. The Commission supports the underlying goal of the reorganization, which is to make the Planning Code easier to read, understand, and use. The reorganization retains unique zoning characteristics of the named Neighborhood Commercial Districts.

The reorganization efforts of Article 7 meets the Small Business Commission's streamlining standards to improve the regulatory environment for small businesses. It will also save the time for the business counselors at the Office of Small Business as they assist businesses with their zoning inquires.

The Small Business Commission received 3 presentations on the proposed changes to Article 7 and the Planning Code: August, 22, 2016, March 13, 2017 and March 27, 2017.

Thank you for considering the Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

OFFICE OF SMALL BUSINESS • SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110, SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6408

cc: John Rahaim, Planning Department
Aaron Starr, Planning Department
Nicole Elliott, Mayor's Office
Mawuli Tugbenyoh, Mayor's Office
Lisa Pagan, Office of Economic and Workforce Development
Alisa Somera, Land Use & Transportation Committee

Coalition for San Francisco



February 2, 2017

Planning Commission of the City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Re: Article 7 of the Planning Code of the City and County of San Francisco

Dear President Hillis and Planning Commissioners:

This is the fifth in a series of letters which we have sent to Staff and the Commission requesting that the Commission NOT approve the proposed wholesale changes to Article 7 of the Planning Code, for a number of reasons.

A. Planning Staff (herein "Staff"), after continual denial, has finally acknowledged that there are changes which are substantive, and some are universal. We are aware of many changes to the definitions and in at least two cases substantive changes in the related NCD tables.

B. We believe that very few, if any, of the NCD related tables have been reviewed by or at the direction of supervisors of the neighborhoods involved, except in two cases. The tables for NCDs located within Supervisor Tang's District have been changed and to get there, the Staff has spent months with Supervisor Tang's staff in making numerous changes. Also, initiated by Supervisor Peskin, representatives of the North Beach NCD have been speaking with Staff about numerous defensive and other changes to Staff-proposed changes which were billed as "non-substantive" changes," which were anything but that.

The Tang/Peskin changes are neighborhood-specific with a view to keeping neighborhood character. What does that tell us? Well, that a proposed complete Article 7 reorganization exposes to all NCDs to the risks of unintended consequences and makes clear that a "one size fits all" policy does not work.

So far as we know, there is no other Supervisor who has sought changes for his/her District NCDs. Moreover, there are now four new Supervisors who have probably not even heard of the Article 7 changes. And very few NCDs have the experience and knowledge of either the Staff, which helped in the case of Supervisor Tang's District NCDs, or knowledgeable and experienced representatives in the case of the North Beach NCDs. Others have not had that luxury.

C. Staff has advised that if other NCDs want changes, they should be sought through their respective Supervisors, who should introduce separate and specific legislation to make changes. But residents within most NCDs have never reviewed the proposed changes. Why is that? Because they have been led to believe that they are not substantive. Or they have not even heard about them at all since the outreach efforts were inadequate. We can count on

one hand the number of attendees at at least two of the outreach meetings, which advertised "no substantive changes." The risk of unintended impacts on other provisions of the Planning Code could be enormous.

D. It has been extremely difficult to review the most recent changes made since there have been no "redline" versions made available. The various versions are flying thick (750-plus pages) and fast (a January 20, 2017 version followed the version in the Commission's February 2, 2017 "packet") and NEITHER is red marked to another version. Because of the enormity of the overall changes, as we said previously, we just did sampling of the changes appearing in a much earlier version, and cannot even hope to keep up with these. And we know there have been substantive changes made. Further, the January 20 Department Notice suggests that additional changes will be forthcoming in the "coming week."

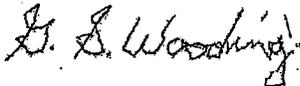
SOLUTION:

If no substantive changes are intended for Article 7 other than those appearing for the NCDs in Tang/Peskin Districts, then introduce new and separate legislation to accomplish that for each of the Tang/Peskin NCDs, and leave Article 7 in place. But have Staff engage each of the other Supervisorial Districts, as it did for the Tang District NCDs, to explain in detail what is going on.

That way all NCDs will have access to technically capable people (the Staff) to address in detail what the tables mean, how they might be changed to address individual NCD needs within a District, so as to cover NCDs in all districts – not just those in Tang/Peskin Districts.

Thank you.

Respectfully submitted,



/s/ George Wooding, Midtown Terrace Homeowners Association & President of CSFN
/s/ Marlayne Morgan, Cathedral Hill Neighbors Association & 1st Vice President of CSFN
/s/ Rose Hillson, Jordan Park Improvement Association & Delegate to CSFN
/s/ Paul Webber, Telegraph Hill Dwellers & Delegate to CSFN

cc: Aaron Starr, AnMarie Rodgers, Director John Rahaim, Commissions Secretary Jonas Ionin, President of the Board of Supervisors London Breed, Supervisors: Sandra Fewer, Mark Farrell, Aaron Peskin, Katy Tang, Jane Kim, Norman Yee, Jeff Sheehy, Hillary Ronen, Malia Cohen, Ahsha Safai

Somera, Alisa (BOS)

From: Kristy Wang <kwang@spur.org>
Sent: Monday, April 24, 2017 11:34 AM
To: Farrell, Mark (BOS); Tang, Katy (BOS); Peskin, Aaron (BOS)
Cc: Karunaratne, Kanishka (BOS); Quizon, Dyanna (BOS); Summers, Ashley (BOS); Hepner, Lee (BOS); Angulo, Sunny (BOS); Somera, Alisa (BOS); Christine Johnson; Starr, Aaron (CPC); Rodgers, AnMarie (CPC); tom@livablecity.org
Subject: Land Use Committee Agenda today 4/24
Attachments: SPUR Supports Additional Dwelling Unit Mix Option.pdf; SPUR Supports Reorg of Parking & Loading Code.pdf; SPUR Supports Article 7 Reorganization.pdf

Dear Supervisors,

Thank you for the opportunity to weigh in on today's agenda. I will not be able to come to public comment but wanted to remind you of SPUR's positions on the following items:

1. Off-Street Parking & Loading

I shared our support for this code re-organization ordinance with you last week and support future substantive changes to parking requirements, including reducing or eliminating parking minimums in more zoning districts across San Francisco.

2. Dwelling Unit Mix Requirements

Last week I shared SPUR's support for this legislation, which offers another option for developers to provide units with more bedrooms. We appreciate the flexibility but do want to note the potential for conflict with the requirements and criteria in the upcoming HOME SF and inclusionary proposals. A consistent approach for areas where this is a requirement (or criterion, for the density bonus) would be simpler for all.

4 and 5. Article 7 Reorganization

I have attached SPUR's letter to the Planning Commission supporting the Article 7 reorganization code changes.

Thank you. Please feel free to let me know if you have any questions.

Best,
Kristy

Kristy Wang, LEED AP
Community Planning Policy Director
SPUR • Ideas + Action for a Better City
(415) 644-4884
(415) 425-8460 m
[vang@spur.org](mailto:kwang@spur.org)

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SPUR

San Francisco | San Jose | Oakland

April 16, 2017

Land Use & Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

RE: Dwelling Unit Mix Requirements
File No. 160281

Dear Supervisors Farrell, Peskin and Tang:

Thank you for the opportunity to share support for the Dwelling Unit Mix Requirements legislation, which would amend the Planning to add a third option for possible unit mixes in RTO, RCD, NCT, DTR and Eastern Neighborhoods Mixed-Use Districts.

Currently there are two options to meet dwelling unit mix requirements in these zoning districts: providing at least 40 percent two-bedroom units or at least 30 percent three-bedroom units. We appreciate the latest proposal to add a third option to require at least 35 percent of units to be two-bedrooms or more, with at least 10 percent three-bedrooms. This will facilitate more flexibility in meeting the requirement (i.e. a mix of two- and three-bedroom units, if not even units with more bedrooms) while still remaining in keeping with the existing policy of trying to ensure that the new construction stock provides a mix of housing unit types, including but not limited to families.

We do want to flag that there are some potential conflicts coming up with the inclusionary proposals coming up. Either of the proposed inclusionary ordinances would change the required dwelling unit mix from what is today *and* would differ from this proposal. The city needs to work out how those conflicts will be resolved and which requirement will take precedent.

Thank you for considering our recommendation to support this legislation and move it to the full Board of Supervisors. Should you have any questions, please do not hesitate to contact me at 415-644-4884.

Best

Kristy Wang
Community Planning Policy Director

CC: Supervisor Norman Yee
SPUR Board of Directors



SPUR

San Francisco | San Jose | Oakland

January 28, 2017

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: Article 7: Phase 2 of the Planning Code Reorganization
2014-001965PCA**

Dear Commission President Hillis, Commission Vice President Richards, and Commissioners Fong, Johnson, Koppel, Melgar and Moore:

SPUR thanks the Planning Commission for the opportunity to comment on the proposal to simplify and reorganize Article 7 of the Planning Code.

As an advocate for good city planning and good government, SPUR supports the Code Reorganization Project, a monumental effort to clarify and simplify the Planning Code so that it is easier to understand.

We supported the reorganization of Article 2 addressed in 2014-15, the first of three planned phases to clean up the Code. We now support the modification of Article 7 addressed in this ordinance, and encourage the department to rapidly follow up with Phase 3, modifying Article 8 in the same fashion. The reorganization and consolidation addressed in this project takes a great step toward making it easier for citizens and practitioners to engage with the planning and development process.

We appreciate the effort to eventually have all zoning districts reference a single set of use definitions. The shift from use charts to zoning control tables is a decision that will be more user-friendly overall. We also appreciate the standardization of noticing requirements across use districts.

SPUR applauds the efforts of city staff and Livable City to undertake and champion a complex effort like this. We urge you to move forward with Phase 3 of the Code Reorganization Project as rapidly as possible and perhaps add additional articles to the scope of this work.

Thank you for considering our recommendation. Should you have any questions, please do not hesitate to contact me at 415-644-4884.

Sincerely,

Kristy Wang
Community Planning Policy Director

Cc: SPUR Board of Directors



SPUR

San Francisco | San Jose | Oakland

April 16, 2017

Land Use & Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

RE: **Off-Street Parking & Loading Requirements**
File No. 170206

Dear Supervisors Farrell, Peskin and Tang:

Thank you for the opportunity to share support for the Off-Street Parking and Loading Requirements Ordinance that reorganizes Article 1.5 of the Planning Code.

As an advocate for good city planning and good government, SPUR supports the Code Reorganization Project, a monumental effort to clarify and simplify the Planning Code so that it is easier to understand. We supported the reorganization of Article 2 (for Residential, Commercial and Industrial Districts) in 2014 and are in support of a similar effort for Article 7 (for Neighborhood Commercial Districts) that is pending.

The current proposal to reorganize Article 1.5 is non-substantive in nature and does not change citywide parking requirements, but SPUR would like to see those come forward in the future. We would like to see the city eliminate parking minimums in more zoning districts citywide, particularly in areas close to frequent transit; initiate parking maximums in additional zoning districts; standardize parking requirements for non-residential uses; and consider other measures to reduce and/or price parking to update our laws to be in line with the city's policy goals for sustainability and livability.

SPUR applauds the efforts of city staff and Livable City to undertake and champion a complex effort like the Code Reorganization Project. We urge you to move forward with all phases of the Code Reorganization Project as rapidly as possible and perhaps add additional articles to the scope of this work.

Thank you for considering our recommendation to support this legislation and move it to the full Board of Supervisors. Should you have any questions, please do not hesitate to contact me at 415-644-4884.

Best

Kristy Wang

Community Planning Policy Director

CC: SPUR Board of Directors

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

March 7, 2017

File No. 170203

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

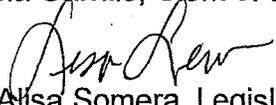
On February 28, 2017, Mayor Lee introduced the following proposed legislation:

File No. 170203

Ordinance amending 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 ("NCDs"); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; 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 NCD; 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; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

- c: Joy Navarrete, Environmental Planning
- Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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

March 7, 2017

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On February 28, 2017, Mayor Lee introduced the following legislation:

File No. 170203

Ordinance amending 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 ("NCDs"); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; 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 NCD; 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; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

for  By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Acting Environmental Review Officer
- AnMarie Rodgers, Senior Policy Advisor
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

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

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *el*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: March 7, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170203

Ordinance amending 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 ("NCDs"); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; 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 NCD; 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; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: March 7, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on February 28, 2017:

File No. 170203

Ordinance amending 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 ("NCDs"); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; 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 NCD; 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; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

OFFICE OF THE MAYOR
SAN FRANCISCO



REDWIN M. LEE
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 FEB 28 PM 4:26

TO: Angela Calvillo, Clerk of the Board of Supervisors BY EW
FROM: ~~for~~ Mayor Edwin M. Lee 
RE: Planning Code - Article 7 Reorganization; Technical and Other Amendments
DATE: February 28, 2017

Attached for introduction to the Board of Supervisors is an ordinance amending 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; 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.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

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