File No.	170820	Committee Item No.	3	
		Board Item No.		

# **COMMITTEE/BOARD OF SUPERVISORS**

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Completed by: Erica Major Date July 14, 2017 Completed by: Date

[Planning Code - Valencia Street Neighborhood Commercial Transit District Zoning Control Table]

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and 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.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings

- (a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 170820 and is incorporated herein by reference.
- (b) On February 2, 2017, the Planning Commission, in Resolution No.19847, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 170203, and is incorporated herein by reference.

- (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No.19847 and the Board incorporates such reasons herein by reference.
- (d) The text proposed in this ordinance was originally included in Board File No.

  170203 when it was introduced at the Board of Supervisors, but was inadvertently removed through the legislative process due to a drafting error. This proposed Ordinance is intended to correct for that omission.

Section 2. The Planning Code is hereby amended by adding the Zoning Control Table for Section 762, to read as follows:

SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

		<u>Valencia Street NCT</u>	
Zoning Category	§ References	<u>Controls</u>	
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits.  5 Foot Height Bonus for Active Ground Floor Uses	\$\\$ 102, 105, 106, 250—252, 260, 261.1, 270, 271. See also Height and Bulk District Maps \$ 263.20	40-X, 50-X. See Height and Bulk Map Sheet HT07 for more information. Height sculpting required on Alleys per §261.1.	
Rear Yard	§§ 130, 134, 134(a)(e), 136	Required at the Second Story and at each succeeding level or Story of the building, and at the First Story if it contains a Dwelling Unit: 25% of lot depth, but in no case less than 15 feet	

Front Setback and Side Yard	§§130, 131, 132, 133	Not Required.
Street Frontage and Public Realm	et i de la servició d La servició de la se	
Streetscape and Pedestrian Improvements	§138.1	<u>Required</u>
Street Frontage Requirements	<u>§ 145.1</u>	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ 145.4	Required on portions of Valencia Street, 16th Street, and 22nd Street
Vehicular Access Restrictions	§ 155(r)	Prohibited on Valencia Street between 15th and 23rd Streets and on 16th Street between Guerrero and Capp Streets.
<u>Miscellaneous</u>		
Lot Size (Per Development)	§§ 102, 121.1	Pup to 9,999 square feet.; C 10,000 square feet and above
Planned Unit Development	§ 304	<u>C</u>
Awning, Canopy or Marquee	§ 136.1	<u>P</u> .
Signs	§§ 262, 602- 604, 607, 607.1, 608, 609	As permitted by Section § 607.1
General Advertising Signs	§§ 262, 602,7 604, 608, 609, 610, 611	<u>NP</u>
Design Guidelines	General Plan Commerce and Industry Element	Subject to the Urban Design Guidelines

Zoning Category	§	<u>Controls</u>
	<u>References</u>	·
RESIDENTIAL STANDARDS A	ND USES	
Development Standards		
<u>Usable Open Space [Per Dwelling Unit]</u>	§§135, 136	80 square feet per unit if private, or 100 square feet per unit if common
Off-Street Parking Requirements	§§ 145.1, 150, 151.1, 153 - 156, 166, 204.5	Car parking not required. P up to 0.5 spaces per Dwelling Unit; C up to 0.75 spaces per Dwelling Unit. Bike parking required per \$ 155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per \$166.

<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.		
Use Characteristics	en militar in 1911	The Park Control		
Single Room Occupancy	<u>§ 102</u>	<u>P</u>		
Student Housing	§ 102	<u>P</u>	,	
Residential Uses	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	<u>]</u> a	Controls By Sto	<u>3<sup>rd</sup>+</u>
Residential Uses	<u>§ 102</u>	<u>P(1)</u>	<u>P</u>	<u>P</u>
Dwelling Units, Senior Housing, and Group Housing  Accessory Dwelling Units	§§ 102. 202.2(f), 207, 208 §§ 102. 207(c)(4)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.  P within the existing building envelope. 1 ADU allowed in buildings with 4 or fewer Dwelling Units. No limit in buildings with 5 or more Dwelling Units. ADUs may not eliminate or reduce ground-story		
<u>Homeless Shelters</u>	§§ 102, 208	retail or comment Density limits re		dministrative Code
Loss and Division of Dwelling Uni	its	Controls by Story		<u>)ry</u>
		<u> 1st</u>	<u>2nd</u>	<u>3rd+</u>
Residential Conversion	§ 317	<u>C</u>	<u>NP</u>	<u>NP</u>
Residential Demolition or Merger	olition or Merger § 317 C		<u>C</u>	<u>C</u>
Division of Dwelling Units	<u>§207.8</u>	Division of existing Dwelling Units P per \$207.8		

Zoning Category	§ References	<u>Controls</u>
NON-RESIDENTIAL STANDAR	RDS AND USES	$\Sigma$
Development Standards	m mg (Mg Para ng Para	
Floor Area Ratio	§§ 102, 123, 124	2.5 to 1
<u>Use Size</u>	§§102, 121.2	P up to 2,999 square feet; C 3,000 square feet and above
Off-Street Parking Requirements	§§ 145.1, 150, 151.1, 153 - 156, 166, 204.5	Car parking not required. Limits set forth in Section 151.1. Bike parking required per Section 155.2. Car share spaces required when a project has 25 or more parking spaces per §166.
Off-Street Freight Loading	§§ 150, 152, 153 - 155, 161, 204.5	None required if gross floor area is less than 10,000 square feet. Exceptions permitted per \$161.

Commercial Use Characteristics				7.0
Drive-up Facility	<u>§102</u>	<u>NP</u>		
Formula Retail	§§102, 303.1	<u>C</u>		
Hours of Operation	<u>§102</u>	P 6 a.m 2 a.m.; C 2 a.m 6 a.m.		
<u>Maritime Use</u>	<u>§102</u>	<u>NP</u>		
Open Air Sales	§§102, 703(b)	See Section 703(b)		
Outdoor Activity Area	§§102,145.2	P if located in fr	ont; C if located	<u>elsewhere</u>
Walk-up Facility	<u>§102</u>	<u>P</u>		
Agricultural Use Category		Controls by Story  1st 2nd 3rd+		
Agriculture, Neighborhood	§§102, 202.2(c)	<u>P</u>	<u>P</u>	<u>P</u>
Agriculture, Large Scale Urban	§§102, 202.2(c)	<u>C</u>	<u>C</u>	<u>C</u>
Greenhouse	§§102, 202.2(c)	<u>NP</u>	<u>NP</u>	<u>NP</u>
Automotive Use Category		1 (1 m) 1 m) 1 m)		
Automotive Uses*	\$\$102, 187.1, 202.2(b), 202.5, 202.5	NP	<u>NP</u>	<u>NP</u>
Automotive Repair	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
Parking Garage, Private	§102	<u>C</u>	<u>C</u>	<u>C</u>
Parking Garage, Public	<u>§102</u>	<u>C</u> <u>C</u> <u>C</u>		<u>C</u>
Parking Lot, Private	§§ 102, 142, 156	<u>C</u>	<u>C</u>	<u>C</u> .
Parking Lot, Public	§§ 102, 142, 156	<u>C</u>	<u>C</u>	<u>C</u>
Entertainment, Arts and Recreatio	n Use Category		production of	
Entertainment, Arts and Recreation Uses*	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Entertainment, General	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
Entertainment, Nighttime	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
Movie Theater	<u>§102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
Open Recreation Area	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
Passive Outdoor Recreation	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
Industrial Use Category				
<u>Industrial Uses</u>	§§102, 202.2(d)	<u>NP</u>	<u>NP</u>	<u>NP</u>
Institutional Use Category				
<u>Institutional Uses*</u>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u>
Child Care Facility	<u>§102</u>	<u>P</u> <u>P(2)</u> <u>P(2)</u>		
<u>Hospital</u>	<u>§102</u>	NP NP NP		
Medical Cannabis Dispensary	§§102, 202,2(e)	<u>DR</u>	<u>NP</u>	<u>NP</u>

Philanthropic Admin. Services	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Public Facilities	<u>§102</u>	<u>C</u> ·	<u>C</u>	<u>C</u>
Residential Care Facility	§102	<u>P</u>	P(3)	<u>P(3)</u>
Sales and Service Use Category	The state of the s			
Retail Sales and Service Uses*	<u>§§102,</u> 202.2(a)	<u>P</u>	<u>C</u>	NP
Adult Business	§102	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<u>Bar</u>	§§102, 202.2(a)	<u>C</u>	<u>NP</u>	<u>NP</u>
<u>Gym</u>	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Hotel</u>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<u>Kennel</u>	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
<u>Liquor Store</u>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Massage Establishment	<u>§102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<u>Mortuary</u>	<u>§102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<u>Motel</u>	§§102, 202.2(a)	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Restaurant</u>	§§102, 202.2(a)	<u>P(4)</u>	<u>NP</u>	<u>NP</u>
Restaurant, Limited	§§102, 202.2(a)	<u>P</u>	<u>NP</u>	<u>NP</u>
Services, Financial	<u>§102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
Services, Fringe Financial	<u>§102</u>	NP(5)	NP(5)	NP(5)
Services, Instructional	<u>§102</u>	<u>P</u>	<u>C</u>	<u>C</u> .
Services, Limited Financial	<u>§102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
Services, Personal	§102	<u>P</u>	<u>C</u>	<u>C</u>
Storage, Self	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Tobacco Paraphernalia Establishment	<u>§102</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
Non-Retail Sales and Service*	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Design Professional	<u>§102</u>	<u>P</u>	<u>C</u>	<u>NP</u>
Trade Office	<u>§102</u>	<u>P</u>	<u>C</u>	<u>NP</u>
Utility and Infrastructure Use Cat	<u>egory</u>			
<u>Utility and Infrastructure*</u>	<u>§102</u>	<u>C(6)</u>	<u>C(6)</u>	<u>C(6)</u>
Power Plant	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Public Utilities Yard</u>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Not listed below

(1) C required for ground floor residential use when street frontage is listed in 145.4(b)

(2) C required for 13 or more children

(3) C required for seven or more persons.

(4) GROUND FLOOR CONVERSION OF RETAIL TO RESTAURANTS RESTRICTED

Boundaries: Valencia Street from 15th Street to 24th Street.

<u>Controls:</u> Conversion of existing ground floor retail uses or of ground floor spaces occupied as retail uses at any point within a period of three years prior to submission of a building permit application to Restaurant requires conditional use authorization.

(5) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

<u>Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial Transit District.</u>

Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).

(6) C if a Macro WTS Facility; P if a Micro WTS Facility.

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

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

APPROVED AS TO FORM:

DENNIS J./HERRERA, City Attorney

By:

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UDITH A. BOYAJIAN

Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code - Valencia Street Neighborhood Commercial Transit District Zoning Control Table]

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and 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.

# **Existing Law**

On July 30, 2017, a reorganization of Article 7 of the Planning Code will become effective. Among other things, this reorganization deleted the existing Zoning Control Tables for all the Neighborhood Commercial and Neighborhood Commercial Transit Districts, renumbered some Districts, and adopted new Tables.

# Amendments to Current Law

This ordinance will adopt a new Zoning Control Table for the Valencia Street Neighborhood Commercial District.

## **Background Information**

The Article 7 Reorganization consisted of two interrelated ordinances. One ordinance reorganized Article 7, revised all the Article 7 Zoning Control Tables to match the format of the Tables in Article 2, and made technical and substantive amendments to applicable sections in other Articles to update, correct, clarify, and simplify language. The companion ordinance deleted all the existing Article 7 Zoning Control Tables, the definitions that were added to Section 102 in the Article 2 reorganization legislation but temporarily left in Article 7, and other text that became outdated with the enactment of the Article 2 reorganization legislation. During the legislative process, the new Zoning Control Table for the Valencia Street Neighborhood Commercial Transit District was dropped inadvertently but the existing Table was deleted in the companion ordinance. This ordinance adds the new Zoning Control Table.

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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

July 14, 2017

File No. 170820

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

Dear Ms. Gibson:

On July 11, 2017, Mayor Lee introduced the following proposed legislation:

File No. 170820

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and 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

By: Erica Major, Assistant Clerk

Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Section 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete 7/14/17

# President, District 5 BOARD of SUPERVISORS



# City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-7630 Fax No. 554-7634 TDD/TTY No. 544-5227

# **London Breed**

		PRESIDEN	NTIAL ACTION	
Date:	July 10, 20	)17		
То:	Angela Cal	lvillo, Clerk of th	ne Board of Supervisors	
Madam Cle Pursuant to	•	es, I am hereby:		
⊠ Waivin	ng 30-Day R	ule (Board Rule No. :	3.23)	
File	No.	170820	Mayor	
Title	Planning	Code - Valencia Zoning Control T	(Primary Sponsor) Street Neighborhood Comr Table	mercial Transit
☐ Transfe	erring (Board I	Rule No 3.3)		
File	No.		(Primary Sponsor)	<del></del>
Title	·•	•	(rimary oponsor)	
From	 m:			_Committee
То:				_ Committee
☐ Assigni	ing Tempor	ary Committee A	Appointment (Board Rule No. 3.1)	
Sup	ervisor	W		
Rep	lacing Supe	rvisor		The second secon
For	:	(Data)	(Committee)	Meeting
		(Date)	Landan Broad Broad	002

London Breed, President Board of Supervisors

#### Member, Board of Supervisor District 2



City and County of San Francisco

Mark S. Jan

DATE:

July 13, 2017

TO:

Angela Calvillo

Clerk of the Board of Supervisors

FROM:

Supervisor Mark Farrell

RE:

Land Use and Transportation Committee

COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 18, 2017, as Committee Reports:

170761 Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits

Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.

170692 General Plan Amendments - Implementing the City's Vision Zero Policy Regarding Pedestrian Safety

Ordinance amending the Transportation and Urban Design Elements of the General Plan to implement the City's Vision Zero policy regarding pedestrian safety; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

170820 Planning Code - Valencia Street Neighborhood Commercial Transit
District Zoning Control Table

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and 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.

# 170783 Extending Interim Zoning Controls - Indoor Agriculture

Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 17, 2017, at 1:30 p.m.

# Office of the Mayor San Francisco



TO:

Angela Calvillo, Clerk of the Board of Supervisors

FROM:

Mayor Edwin M. Lee

RE:

Planning Code - Valencia Street Neighborhood Commercial Transit

District Zoning Control Table

DATE:

July 11, 2017

Attached for introduction to the Board of Supervisors is an ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from the Article 7 Reorganization Ordinance [BF 170203]; and making environmental findings and 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.

Trespectfully request a waiver of the 30-day hold and this item be heard in Land Use Committee on July 17, 2017 and sent forward as a Committee Report to the full Board on July 18,2017.

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