



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20449 HEARING DATE MAY 9, 2019

*Project Name:* Code Reorganization: Chinatown  
*Case Number:* 2017-016416PCA [Board File No. TBD]  
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**RESOLUTION APPROVING WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REVISE THE ZONING CONTROL TABLES OF THE CHINATOWN MIXED USE DISTRICTS TO MAKE THEM CONSISTENT WITH THOSE IN ARTICLES 2 AND 7, TO APPLY THE USE DEFINITIONS IN SECTION 102, TO SET AN ABANDONMENT PERIOD FOR USE SIZE MAXIMUMS, AND TO ALLOW GENERAL ENTERTAINMENT AND NIGHTTIME ENTERTAINMENT USES WITH CONDITIONAL USE AUTHORIZATION; 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 NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on April 11, 2019 the Planning Commission initiated a proposed Ordinance, amending the Planning Code to revise the zoning control tables of the Chinatown Mixed Use Districts to make them consistent with those in Articles 2 and 7, to apply the use definitions in Section 102, to set an abandonment period for use size maximums, and to allow General Entertainment and Nighttime Entertainment Uses with conditional use authorization;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 9, 2019; and,

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; 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

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Planning Commissions proposed modification is as follows:

1. Staff shall continue to review and refine the proposed ordinance to ensure that the existing land use controls in the Chinatown Mixed use Districts will be maintained.
2. Revise the proposed ordinance so that Formula Retail is prohibited in the Chinatown Visitor Retail District, and that Formula Retail Restaurants are prohibited in all Chinatown Mixed Use Districts, consistent with existing Planning Code requirement.

## 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. At over 1,336 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 Commission strongly believes that consolidating use definitions and making the Planning Code easier to use by creating standardized zoning control tables for all zoning districts will help mitigate these issues.
2. The Commission 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.
3. **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 Chinatown Zoning Controls Tables so that they are consistent with the other zoning control tables in the Planning Code. Both 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.*

4. **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.*

5. **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 APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 9, 2019.

Jonas P. Ionin  
Commission Secretary

AYES: Fung, Hillis, Koppel, Melgar, Moore

NOES: None

ABSENT: Johnson, Richards

ADOPTED: May 9, 2019