

BOARD of SUPERVISORS



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June 25, 2019

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

Dear Commissioners:

On June 25, 2019, Supervisor Peskin submitted the following proposed legislation:

File No. 190731

Ordinance amending the Planning Code to change, from 18 months to three years, the period of non-use required to deem as discontinued a permitted conditional use in the North Beach Neighborhood Commercial District; 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 making public necessity, convenience, and welfare findings under Planning Code, Section 302.

The proposed ordinances are being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinances are 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

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Acting Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code - Abandonment of Conditional Uses in North Beach Neighborhood
2 Commercial District]

3 **Ordinance amending the Planning Code to change, from 18 months to three years, the**
4 **period of non-use required to deem as discontinued a permitted conditional use in the**
5 **North Beach Neighborhood Commercial District; affirming the Planning Department's**
6 **determination under the California Environmental Quality Act; making findings of**
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1; and making public necessity, convenience, and welfare findings under**
9 **Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
23 this determination.

24 (b) On _____, the Planning Commission, in Resolution No. _____,
25 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

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
4 actions contemplated in this ordinance will serve the public necessity, convenience, and
5 welfare for the reasons set forth in the Planning Commission Resolution referenced above.
6

7 Section 2. Article 1.7 of the Planning Code is hereby amended by revising Section
8 178, to read as follows:

9 **SEC. 178. CONDITIONAL USES.**

10 * * * *

11 (d) **Abandonment.** A permitted conditional use that is discontinued for a period of
12 three years, or otherwise abandoned, shall not be restored, except upon approval of a new
13 conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of
14 this ~~sub~~subsection *(d)*, the period of nonuse for a permitted conditional use to be deemed
15 discontinued in the ~~North Beach and~~ Castro Street Neighborhood Commercial Districts, and the
16 Jackson Square Special Use District shall be ~~eighteen~~ (18) months.


17 A permitted conditional Formula Retail use which is discontinued for a period of 18
18 months, or otherwise abandoned, shall not be restored, except upon approval of a new
19 conditional use application pursuant to Article 3 of this Code.

20 * * * *

21
22 Section 3. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

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

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10
11 By:  for _____
12 VICTORIA WONG
13 Deputy City Attorney
14 n:\legana\as2019\1900649\01371617.docx

LEGISLATIVE DIGEST

[Planning Code - Abandonment of Conditional Uses in North Beach Neighborhood Commercial District]

Ordinance amending the Planning Code to change, from 18 months to three years, the period of nonuse required to deem as discontinued a permitted conditional use in the North Beach Neighborhood Commercial District; 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 making public necessity, convenience, and welfare findings under Planning Code, Section 302.

Existing Law

Planning Code Section 178 provides that in the North Beach Neighborhood Commercial District, a permitted conditional use that is discontinued for a period of 18 months is deemed discontinued, and shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of the Planning Code

Amendments to Current Law

This ordinance would amend Section 178 to delete the provision that in the North Beach NCD, a permitted conditional use that is discontinued for a period of 18 months is deemed discontinued. With this amendment, Section 178 would provide that in the North Beach NCD, a permitted conditional use that is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of the Planning Code.

Background Information

The three-year period proposed in this ordinance for deeming a use in the North Beach NCD discontinued is consistent with the three-year time period for deeming a conditional use discontinued in the rest of the City, except for in the Castro Street Neighborhood Commercial District and the Jackson Square Special Use District.