

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

### LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair  
Land Use and Transportation Committee

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

DATE: July 23, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 23, 2019

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 23, 2019. This item was acted upon at the Committee Meeting on Monday, July 22, 2019, at 1:30 p.m., by the votes indicated.

**Item No. 61            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.

#### **RECOMMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Aaron Peskin - Aye  
Supervisor Ahsha Safai - Aye  
Supervisor Matt Haney - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Jon Givner, Deputy City Attorney

File No. 190731 Committee Item No. 10  
 Board Item No. 61

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 22, 2019

Board of Supervisors Meeting Date JULY 23, 2019  
 Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <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 type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 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"/>            | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

- |                                     |                                     |                                     |
|-------------------------------------|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 070319</u>         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral PC 070319</u>           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC RESPONSE 07/21/19</u>         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>COMM REP REQ 07/19/19</u>        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PRESIDENTIAL ACTION 07/19/19</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                                     |
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Completed by: Erica Major Date July 19, 2019  
 Completed by: Erica Major Date 7/23/19

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. 190731 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 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.**

### 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.

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Fax No. 554-5163  
TDD/TTY No. 554-5227

July 3, 2019

File No. 190731

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

Dear Ms. Gibson:

On June 25, 2019, Supervisor Peskin submitted the 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.**

This legislation is being transmitted to you for environmental review.

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

Not defined as a project under CEQA Guidelines sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Attachment

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

Digitally signed by Don Lewis  
Date: 2019.07.19 11:47:00 -07'00'

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**From:** Starr, Aaron (CPC)  
**Sent:** Friday, July 12, 2019 10:56 AM  
**To:** Major, Erica (BOS); Gibson, Lisa (CPC); Ionin, Jonas (CPC)  
**Cc:** Rodgers, AnMarie (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Sider, Dan (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Teague, Corey (CPC); Hepner, Lee (BOS)  
**Subject:** RE: REFERRAL CEQA/PC (190731) Planning Code - Abandonment of Conditional Uses in North Beach Neighborhood Commercial District

Erica,

The Planning Commission has waived their opportunity to hear this item. It does not need to be held for the full 90 days, and can be scheduled at Committee per the sponsor's direction.

**Aaron Starr, MA**  
**Manager of Legislative Affairs**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103

**Direct:** 415-558-6362 **Fax:** 415-558-6409

**Email:** [aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)

**Web:** [www.sfplanning.org](http://www.sfplanning.org)



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**From:** Major, Erica (BOS)  
**Sent:** Wednesday, July 03, 2019 3:49 PM  
**To:** Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>  
**Cc:** Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>  
**Subject:** REFERRAL CEQA/PC (190731) Planning Code - Abandonment of Conditional Uses in North Beach Neighborhood Commercial District

Greetings,

These matters are being referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review. Please submit your response as soon as possible.

**ERICA MAJOR**  
**Assistant Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.



The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



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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

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.

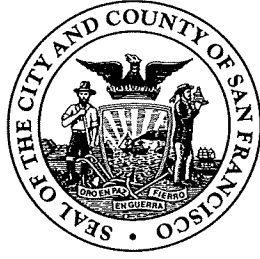
Angela Calvillo, Clerk of the Board

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

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Fax No. 554-5163  
TDD/TTY No. 554-5227

July 3, 2019

File No. 190731

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

Dear Ms. Gibson:

On June 25, 2019, Supervisor Peskin submitted the 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.**

This legislation is being transmitted to you for environmental review.

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

Attachment

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

805-11's  
cab.miles  
Log Dep. Office  
LU Clerk Office  
Mayor's Office  
Dep. City Atty

President, District 7  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-6516  
Fax No. 554-7674  
TDD/TTY No. 544-6546

Norman Yee

**PRESIDENTIAL ACTION**

Date: July 19, 2019  
To: Angela Calvillo, Clerk of the Board of Supervisors

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 JUL 19 AM 10:20  
BY AK

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 190731 Peskin  
(Primary Sponsor)

Title. Planning Code - Abandonment of Conditional Uses in North Beach  
Neighborhood Commercial District

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_  
(Primary Sponsor)

Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee

To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: \_\_\_\_\_ Replacing Supervisor: \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Temporary Assignment:  Partial  Full Meeting

Norman Yee  
Norman Yee, President  
Board of Supervisors

Member, Board of Supervisors  
District 3



City and County of San Francisco

RECEIVED 7/19/2019  
BY JWR 10:25AM  
Leg Clerk  
LU Clerk

**AARON PESKIN**  
佩斯金 市參事

---

DATE: July 19, 2019

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Peskin  
Chairperson

RE: Land Use & Transportation Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Land Use & Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, July 23, 2019 as a Committee Report:

**190731 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 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.

This matter will be heard in the Land Use & Transportation Committee on July 22, 2019, at 1:30pm.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2019 JUN 25 PM 4:53  
 Time stamp  
 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Peskin

Subject:

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

The text is listed:

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.

Signature of Sponsoring Supervisor: [Signature]

For Clerk's Use Only