

BOARD of SUPERVISORS



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February 12, 2020

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

Dear Commissioners:

On February 4, 2020, Supervisor Peskin introduced the following legislation:

File No. 200114

Ordinance amending the Planning Code to allow the consolidation of ground-floor storefronts in the North Beach Special Use District to accommodate the expansion of an existing Police Department station; 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 necessity, convenience, 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

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, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
Andrea Ruiz-Esquide, Deputy City Attorney
Joy Navarrete, Major Environmental Analysis

1 [Planning Code - North Beach Special Use District - Consolidation of Ground-Floor
2 Storefronts]

3 **Ordinance amending the Planning Code to allow the consolidation of ground-floor**
4 **storefronts in the North Beach Special Use District to accommodate the expansion of**
5 **an existing Police Department station; 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 adopting findings of public necessity, convenience, and welfare**
9 **under 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 ~~*italics Times New Roman font*~~.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~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. Environmental and Land Use 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

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. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the 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. _____, and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Sections 722 and 780.3, to read as follows:

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Use Size	§§ 102, 121.2, 780.3(c)(3)	P up to 1,999 square feet; C 2,000 square feet to 3,999 square feet; NP 4,000 square feet and above. Specialty Grocery use shall not exceed a Use Size of 1,000 square feet within the North Beach Special Use District. <u>(5)</u>
* * * *	* * * *	* * * *

* * * *

(5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3): Restaurants,

1 Limited Restaurants ~~Limited-Restaurants~~, and Bars may be permitted as a Conditional Use on the
2 First Story through the procedures set forth in Section 303 only if the Zoning Administrator first
3 determines that the proposed new Restaurant, Limited Restaurant, or Bar would occupy a
4 space that is currently or was last legally occupied by one of the uses described below;
5 provided that its last use has not been discontinued or abandoned pursuant to Sections
6 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and
7 provided further that no Conditional Use shall be required if the use remains the same as the
8 prior authorized use, with no enlargement or intensification of use:

9 * * * *

10 (E) Existing retail or commercial spaces or storefronts may be consolidated or merged to
11 accommodate the expansion of an existing San Francisco Police Department Station or auxiliary space
12 associated with such Station. Such expansion is Principally Permitted and does not require a
13 Conditional Use authorization. This subsection (E) shall expire three years after its effective date
14 unless extended by ordinance, pursuant to Section 780.3(c)(3).

15 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

16 * * * *

17 (c) **Controls.** The following provisions shall apply within such District:

18 * * * *

19 (3) **Storefronts.** To preserve and maintain the District's small-scale, fine
20 grain storefronts, (A) the consolidation or merger of existing retail or commercial spaces or
21 storefronts is prohibited, and (B) Specialty Groceries shall not exceed a Non-Residential Use
22 Size of 1,000 square feet.

23 Exception. Existing retail or commercial spaces or storefronts may be consolidated or merged
24 to accommodate the expansion of an existing San Francisco Police Department Station or auxiliary
25 space associated with such Station. Such expansion is Principally Permitted and does not require a

1 Conditional Use authorization under subsection (c)(9) below. This exception to the storefront merger
2 prohibition shall be in effect for three years from its effective date unless further extended by
3 ordinance. Unless so extended, the City Attorney shall cause this paragraph stating the foregoing
4 exception to be removed from this Code, along with the sentence referencing it in subsection (c)(9).

5 * * * *

6 (9) **Conditional Use Authorizations.** In addition to the findings required
7 under Section 303 of this Code, for any use or project within the District that is subject to
8 Conditional Use authorization under this Section 780.3, Section 722, or any other section of
9 this Code, the Planning Commission shall find that the proposed project supports the
10 purposes of the North Beach SUD set forth in this Section 780.3. For the duration of the
11 Exception stated in subsection (c)(3), a Conditional Use authorization is not required for use of
12 consolidated or merged space to accommodate the expansion of an existing San Francisco Police
13 Department Station or auxiliary space associated with such Station.

14
15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

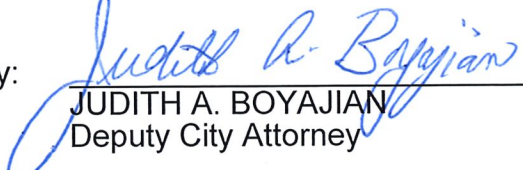
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additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: 

JUDITH A. BOYAJIAN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - North Beach Special Use District - Consolidation of Ground-Floor Storefronts]

Ordinance amending the Planning Code to allow the consolidation of ground-floor storefronts in the North Beach Special Use District to accommodate the expansion of an existing Police Department station; 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 necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 722 established the North Beach Neighborhood Commercial District (NCD) and Section 780.3 established the North Beach Special Use District (SUD) within the North Beach NCD. Within the North Beach SUD, the consolidation or merger of existing retail or commercial spaces or storefronts is prohibited.

Amendments to Current Law

Section 780.3 is amended to provide a limited exception to the prohibition on the merger or consolidation of storefronts and that exception is referenced in the North Beach NCD Zoning Control Table. The exception would allow the consolidation or merger of existing retail or commercial spaces in order to accommodate the expansion of an existing San Francisco Police Department Station and or auxiliary space associated with such Station. Such use would be principally permitted and would not need a Conditional Use authorization. This exception would expire three years after its effective date unless further extended by ordinance.

Background Information

One of the purposes of the North Beach SUD is to “maintain the mix and variety of neighborhood-serving retail sales and personal services of a type that supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods.” The prohibition of consolidation or merger of storefronts for the purpose of creating large uses facilitates that goal. This ordinance’s limited exception would allow the existing Central Police Station at the corner of Vallejo Street and Emery Lane to expand in order to provide more law enforcement services to the neighborhood without compromising the commercial character of the area.

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