



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20328

HEARING DATE: OCTOBER 25, 2018

Case No.: 2016-012474MAP
Project Address: 118-134 KISSLING STREET
Zoning: RED (Residential Enclave) Zoning District
40-X Height and Bulk District
Block/Lot: 3516/039, 040, 041, and 042
Project Sponsor: John Kevlin
Reuben, Junius, & Rose
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED AMENDMENT THAT WOULD REZONE THE SUBJECT PROPERTY FROM RED (RESIDENTIAL ENCLAVE) TO RED-MX (RESIDENTIAL ENCLAVE-MIXED) ZONING DISTRICT AND ADOPTING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

WHEREAS, on September 27, 2016, John Kevlin of Rueben, Junius & Rose, on behalf of Michael Hansen & Jo-Ann Hansen, Judith Long (Property Owner), filed an application with the San Francisco Planning Department for a Zoning Map Amendment, as detailed in Case Number 2016-012474MAP; and

WHEREAS, the Zoning Map Amendment would amend San Francisco Zoning Map Sheet No. ZN07 to rezone Block 3516, Lot Nos: 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed) Zoning District; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on October 19, 2017; and

WHEREAS, the Planning Department has determined the proposed Planning Code amendment is subject to a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)2 of the Guidelines for Implementation of the California Environmental Quality Act for activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment; and,

WHEREAS, on March 2, 2016, the proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA State Guidelines 15311, or Class 11. On October 20, 2016 the Project Sponsor proposed a modification to the approved project. On August 8, 2017, in accordance

with Chapter 31 of the Administrative Code, the Planning Department determined the modification of the CEQA exempt project did not constitute a substantial modification of the Project; and

WHEREAS, the 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, the 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 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** the proposed ordinance.

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. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are *consistent* with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and do attract new such activity to the City.

The proposed amendment would permit a PDR business to retain the existing automotive repair use (DBA Royal Motors) which occupies an approximately 62,000 sq. ft. site by allowing an expansion that would provide additional vehicle storage and service capacity to better ensure its long term viability at the subject site. The additional vehicle storage capacity will allow Royal Motors to deliver cars to dealerships and owners more rapidly than currently possible. Thus, an industrial business will be allowed to expand and remain in San Francisco. Currently, the RED (Residential Enclave) Zoning District does not permit an enclosed lot for vehicle storage. However, this land use is conditionally permitted in the RED-MX (Residential Enclave-Mixed) Zoning District. Without the rezoning, this use would not be permitted and the existing industrial business would not be permitted to grow in capacity.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNDEREMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention, and expansion of commercial and industrial firms, which provide employment improvement opportunities for unskilled and semi-skilled workers.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.3

Carefully consider public actions that displace existing viable industrial firms.

Policy 4.4

When displacement does occur, attempt to relocate desired firms within the city.

Policy 4.6

Assist in the provision of available land for site expansion.

Policy 4.10

Enhance the working environment within the industrial areas.

The proposed amendment promotes the attraction, retention, and expansion of the existing automotive repair use by enhancing its operational capacity and thereby, providing the potential for expanded employment opportunities. The existing automotive repair facility provides on-going job opportunities to mechanics and to trade-skilled workers.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

WESTERN SOMA AREA PLAN

LAND USE

OBJECTIVE 1.2

ENCOURAGE PRESERVATION OF EXISTING AND VIABLY APPROPRIATE NEW LAND USES IN LOCATIONS THAT PROVIDE THE GREATEST OPPORTUNITIES FOR SUCCESS AND MINIMIZE CONFLICT WITH RESIDENTIAL USES.

The amendment permits the preservation of the existing automotive repair use (DBA Royal Motors) by providing additional vehicle storage that will enhance the existing operational capacity. The proposed enhancements (see case no. 2016-012474CUA), complement the existing automotive repair facility use and will better ensure the long-term viability of the facility at the site.

NEIGHBORHOOD ECONOMY

OBJECTIVE 2.1

RETAIN AND ENCOURAGE GROWTH OPPORTUNITIES FOR EXISTING BUSINESSES.

Policy 2.1.1

Promote a wide range of neighborhood-serving commercial uses north of Harrison Street.

The amendment promotes the retention and growth of the existing automotive repair business by legalizing the expansion of the site's capacity for vehicle service and storage while not disrupting any existing buildings, currently not permitted in the RED but conditionally permitted in the RED-MX. The existing use is one of the few remaining large-scale automotive repair facilities within the neighborhood. The amendment would allow the facility to legally continue servicing vehicles, storing them on-site, and continue washing vehicles as they are prepared for delivery either to showrooms or to their owners. The rezoning would thus permit Planning Code compliance.

URBAN DESIGN AND BUILT FORM

OBJECTIVE 5.1

REINFORCE THE DIVERSITY OF THE EXISTING BUILT FORM AND THE WAREHOUSE, INDUSTRIAL AND ALLEY CHARACTER.

Policy 2.1.1

Develop design standards that preserve the industrial character of the larger streets, the mixed industrial/residential character of the RED-Mixed areas, and the residential character of the REDs.

The proposed amendment would change the zoning from RED to RED-MX. Nevertheless, the architectural screen wall that is proposed per case no. 2016-012474CUA, is well-integrated with the existing architecture and compatible with the mixed-use, light-industrial character of the surrounding neighborhood context. The screen wall maintains a well-defined street wall with a color and height that matches the existing building while the three-dimensional form contributes to the visual diversity of the use. The materiality of the proposed screen wall is metal which is consistent with many of the light-industrial buildings found in the surrounding neighborhood. The Project will improve the streetscape by providing a permeable landscape buffer between the proposed screen wall and the public right-of-way.

Accent lighting will further soften and accentuate the landscaping and screen wall at night, which will better activate the street frontages and relate to the residential character also found within the surrounding neighborhood. Thus, the Urban Design objectives and policies would still apply to both RED to RED-MX.

OBJECTIVE 10.4

ENSURE A HIGH QUALITY OF LIFE FOR EXISTING AND NEW RESIDENTS AND WORKERS.

Policy 10.4.1

Significantly enhance pedestrian safety throughout Western SoMa.

The proposed amendment would permit the Project site to enhance pedestrian safety around the site by eliminating an existing 46-ft 6-in. curb cut along Kissling Street by expanding a vehicle storage facility in the RED-MX. Vehicular access to vehicle storage will be limited to one point along Kissling Street; instead of the current three access points. In addition, the Howard Street curb cut will continue to be used to access the existing car wash facility; thereby, reducing the amount of vehicles accessing the site.

On balance, the Project is consistent with the Objectives and Policies of the General Plan.

2. **Planning Code Section 101.1(b)** establishes eight priority-planning policies. 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 amendment would not affect neighborhood-serving retail uses because the project site does not possess any. Thus, no existing neighborhood-serving uses would be displaced or otherwise adversely affected by the proposal.

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 amendment would not affect existing housing and neighborhood character. Residential uses are permitted in both the RED and RED-MX. Thus, if the proposed vehicle storage stacker use were to change to residential, the aforementioned would still be permitted in a RED-MX.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendment would not affect supply of housing. Residential uses are permitted in both the RED and RED-MX; therefore, inclusionary housing would be required in both zoning districts accordingly. Thus, if the proposed vehicle storage stacker use were to change to residential, the aforementioned would still be required pursuant to Planning Code Section 415 in a RED-MX.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed amendment would not impede MUNI transit service or adversely impact street circulation or 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 amendment would permit an existing PDR use to expand and remain in San Francisco; thus, bolstering the industrial sector, which is a priority for the City. The Project incorporates an expanded PDR use which assists in further diversifying the neighborhood character and the RED-MX Zoning District.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

While the proposed amendment would not modify any physical parameters of the Planning Code or other Codes, the proposal could improve the effectiveness of an existing PDR business facilities as it pursues upgrades to its site. Therefore, the proposed amendment would promote the greatest possible preparedness to protect against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed amendment would not impact any City Landmarks or historic buildings. The Department finds that the amendment is consistent with the historic industrial character of the surrounding eligible historic district (Western SoMa Light Industrial and Residential Historic District).

8. That our parks and open space and their access to sunlight and vistas be protected from development;

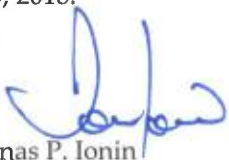
The proposed amendment would not adversely affect any nearby open space.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance with the modification to increase the administrative penalty fee as assessed by the Zoning Administrator per amended Planning Code Section 176 from up to \$200.00 a day to up to \$250.00 a day.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 25, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Melgar, Richards

NOES: None

ABSENT: Fong, Koppel, Moore

ADOPTED: October 25, 2018