

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

June 29, 2020

File No. 200114-2

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

Dear Ms. Gibson:

On June 23, 2020, Supervisor Peskin submitted a substitute the following legislation:

File No. 200114-2

Ordinance amending the Planning Code to allow the consolidation or merger of groundfloor storefronts in the North Beach Special Use District for an existing Public Facility for San Francisco Police Department functions or auxiliary space associated with such use; 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.

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
Don Lewis, Environmental Planning

1 [Planning Code - North Beach Special Use District - Consolidation of Groundfloor Storefronts]

2

3 **Ordinance amending the Planning Code to allow the consolidation or merger of**
4 **groundfloor storefronts in the North Beach Special Use District for an existing Public**
5 **Facility for San Francisco Police Department functions or auxiliary space associated**
6 **with such use; affirming the Planning Department’s determination under the California**
7 **Environmental Quality Act; making findings of consistency with the General Plan, and**
8 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**
9 **public necessity, convenience, and welfare 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 *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

19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance are not defined as a project under the California Environmental Quality Act
22 (California Public Resources Code Sections 21000 et seq.) and CEQA Guidelines Sections
23 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in
24 the environment. Said determination is on file with the Clerk of the Board of Supervisors in
25 File No. _____ and is incorporated herein by reference. The Board affirms this
determination.

1 (b) The Board of Supervisors finds that the proposed amendments to the Planning
2 Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the
3 Planning Code:

4 1. That existing neighborhood-serving retail uses be preserved and enhanced and future
5 opportunities for resident employment in and ownership of such businesses enhanced;

6 The proposed ordinance will allow an existing police station to expand into a vacant
7 commercial space; it will not displace any existing neighborhood-serving retail use, nor will it
8 prevent opportunities for resident employment in and ownership of such businesses.

9 2. That existing housing and neighborhood character be conserved and protected in order
10 to preserve the cultural and economic diversity of our neighborhoods;

11 The proposed Ordinance would not have a negative effect on housing or neighborhood
12 character.

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

14 The proposed Ordinance would not have an adverse effect on the City's supply of
15 affordable housing.

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

18 The proposed Ordinance would not result in commuter traffic impeding MUNI transit
19 service or overburdening the streets or neighborhood parking.

20 5. That a diverse economic base be maintained by protecting our industrial and service
21 sectors from displacement due to commercial office development, and that future
22 opportunities for resident employment and ownership in these sectors be enhanced;

23 The proposed Ordinance would not cause displacement of the industrial or service
24 sectors due to office development, and future opportunities for resident employment or
25 ownership in these sectors would not be impaired.

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

3 The proposed Ordinance would not have an adverse effect on City's preparedness
4 against injury and loss of life in an earthquake.

5 7. That the landmarks and historic buildings be preserved;

6 The proposed Ordinance would not have an adverse effect on City's preparedness
7 against injury and loss of life in an earthquake.

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

10 The proposed Ordinance would not have an adverse effect on the City's parks and
11 open space and their access to sunlight and vistas.

12 (c) The Board of Supervisors finds that the proposed amendments to the Planning
13 Code are consistent, on balance, with the City's General Plan and advance the following
14 Objectives and Policies:

15 OBJECTIVE 1 - DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A
16 MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE
17 PERFORMANCE OF POLICE FUNCTIONS.

18 POLICY 1.2 - Provide the number of district stations that balance service effectiveness
19 with community desires for neighborhood police facilities.

20 The proposed ordinance will allow the existing Central Police Station, a district station,
21 to expand. The station's current location is in accordance with the Police Facilities Plan as
22 outlined in the Community Facilities Element.

23 POLICY 1.3 - Enhance closer police/community interaction through the decentralization
24 of police services that need not be centralized.

25

1 The Central Police station is part of the decentralized network of police stations
 2 throughout the city. The proposed ordinance will enable the existing Central Policy station to
 3 expand its investigative function, allowing for closer police and community interaction in its
 4 investigative unit.

5 (d) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
 6 amendment will serve the public necessity, convenience, and welfare.

7
 8 Section 2. The Planning Code is hereby amended by revising Sections 722 and 780.3,
 9 to read as follows:

10 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 * * * *

12 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**
 13 **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>
* * * *	* * * *	* * * *

22 * * * *

23
 24 (5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3): Restaurants,
 25

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 with
11 an existing Public Facility for San Francisco Police Department functions or auxiliary space
12 associated with such use. Any increase or decrease in square footage resulting from such consolidation
13 or merger is Principally Permitted and does not require a Conditional Use authorization. This
14 subsection (E) shall expire three years after its effective date unless extended by ordinance, pursuant to
15 Section 780.3(c)(3).

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

17 * * * *

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

19 * * * *

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

24 **Exception.** Existing retail or commercial spaces or storefronts may be consolidated or merged
25 with an existing Public Facility for San Francisco Police Department functions or auxiliary space

1 associated with such use. Any increase or decrease in square footage resulting from such consolidation
2 or merger is Principally Permitted and does not require a Conditional Use authorization under
3 subsection (c)(9) below. This exception to the storefront merger prohibition shall be in effect for three
4 years from its effective date unless further extended by ordinance. Unless so extended, the City Attorney
5 shall cause this paragraph stating the foregoing exception to be removed from this Code, along with
6 the sentence referencing it in subsection (c)(9).

7 * * * *

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

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

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

1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

3

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

6 By: /s/ JUDITH A. BOYAJIAN
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney

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LEGISLATIVE DIGEST
(Substituted, 6/23/20)

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

Ordinance amending the Planning Code to allow the consolidation or merger of groundfloor storefronts in the North Beach Special Use District for an existing Public Facility for San Francisco Police Department functions or auxiliary space associated with such use; 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 for an existing San Francisco Police Department Station and/or associated auxiliary space. 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 consolidation and merger of storefronts for the existing Central Police Station at the corner of Vallejo Street and Emery Lane and associated space in order to provide more law enforcement services to the neighborhood without compromising the commercial character of the area.

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