



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18846

HEARING DATE: APRIL 18, 2013

Project Name: Establish the Outer Mission Street NCD
Case Number: 2013.0281TZ [Board File No. 130084]
Initiated by: Supervisor Avalos/ Introduced January 29, 2013
Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY ADDING A NEW SECTION TO ESTABLISH THE OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ALONG MISSION STREET BETWEEN ALEMANY BOULEVARD AND THE SAN FRANCISCO-SAN MATEO COUNTY LINE; REPEAL THE EXCELSIOR ALCOHOL RESTRICTED USE DISTRICT AND ADD CONTROLS ON LIQUOR ESTABLISHMENTS TO THE NEW NEIGHBORHOOD COMMERCIAL DISTRICT; AMEND VARIOUS SECTIONS TO MAKE CONFORMING AND OTHER TECHNICAL CHANGES; AMEND THE ZONING MAP TO REZONE SPECIFIED PROPERTIES TO THE NEW NEIGHBORHOOD COMMERCIAL DISTRICT; AND MAKE ENVIRONMENTAL FINDINGS, PLANNING CODE, SECTION 302, FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

PREAMBLE

Whereas, on January 29, 2013, Supervisor Avalos introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 13-0084 which would amend the San Francisco Planning Code by adding a new section to establish the Outer Mission Street Neighborhood Commercial District along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repeal the Excelsior Alcohol Restricted Use District and add controls on liquor establishments to the new Neighborhood Commercial District; amend various sections to make conforming and other technical changes; amend the Zoning Map to rezone specified properties to the new Neighborhood Commercial District; and make environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Whereas, on April 18, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on April 10, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)) as described in the determination contained in the Planning Department files for this 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 the applicant, Department staff, and other interested parties; and

Whereas, 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

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance with modifications* and adopts the attached Draft Resolution to that effect.

The proposed modifications include:

1. Under the list of NC-1 parcels included in the proposed NCD change 5405 to 6405.
2. Move Blocks 6802 and 6803 from the list of NC-3 parcels included in the proposed NCD to the list of NC-2 parcels included in the proposed NCD.
3. Add The Outer Mission Street NCD to the list of Zoning Districts in Section 201
4. Modify Section 263.20 per the changes outlined in Exhibit F
5. Remove the Excelsior Alcohol SUD from table 702.3
6. Require Conditional Use Authorization for Medical Cannabis Dispensaries within 500' of an existing Medication Cannabis Dispensary instead of prohibiting them outright.

Pending ordinances which should be accommodated in this draft ordinance: This note is being provided as a courtesy to the City Attorney and the Clerk of the Board to help identify other Ordinances which may present conflicting amendments as the legislative process proceeds.

1. Sections 263.20 BF 120774 Permitting a Height Bonus in Castro Street and 24th Street NCDs
2. Sections 151.1, 702.1 BF Pending Western SoMa Plan
3. Sections 151.1, 263.20, 702.1, 702.3, 703.3 BF Pending Code Corrections Ordinance 2012
4. Sections 151.1, 263.20, 744.1, 607.1 BF 120796 Divisadero Street NCD

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:

- Individually named neighborhood commercial districts help to preserve and enhance the character of a neighborhood and a sense of identity.
- Creating a new named NCD for this area will allow for the Alcohol and Fringe Financial Restricted Use Districts to be removed from the Planning Code, exchanging cumbersome overlays with more targeted controls.
- Removing parking minimums and instituting parking maximums is consistent with the City's Transit First policy, the General Plan and will help increase the supply of housing in the City.
- The modest increase in density will help add to the City's housing stock and encourage the creation of more affordable housing units.
- Because of existing restrictions there are only so many areas of the City that allow Medical Cannabis Dispensaries (MCDs). Prohibiting new MCDs from being established within 500' of an existing MCD would further limit the number of available locations within the City. Further, the Commission does not want to set a precedent with this legislation that could be used in other Neighborhood Commercial Districts. Requiring Conditional Use authorization for MCDs that seek to locate within 500' of an existing MCD will help address the clustering issues for this neighborhood, while not further limiting available locations.

1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

OBJECTIVE 4

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

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed legislation would create an individually named Neighborhood Commercial District on Mission Street, which would help to preserve and enhance the character of a neighborhood and create a sense of identity. The proposed changes will also allow this neighborhood to more easily respond to economic and technological innovation in the marketplace and society.

Policy 6.6

Adopt specific zoning districts, which conform to a generalized neighborhood commercial land use and density plan.

As amended, the proposed NCD conforms to the generalized neighborhood commercial land use and density plan published in the General Plan.

II. HOUSING ELEMENT

THE HOUSING ELEMENT IS INTENDED TO PROVIDE THE POLICY BACKGROUND FOR HOUSING PROGRAMS AND DECISIONS; AND TO PROVIDE BROAD DIRECTION TOWARDS MEETING THE CITY'S HOUSING GOALS. AS WITH OTHER ELEMENTS OF THE GENERAL PLAN, IT PROVIDES THE POLICY FRAMEWORK FOR FUTURE PLANNING DECISIONS, AND INDICATES THE NEXT STEPS THE CITY PLANS TO TAKE TO IMPLEMENT THE HOUSING ELEMENT'S OBJECTIVES AND POLICIES.

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The proposed Ordinance will increase the development potential for lots currently zoned NC-1, NC-2 and RH-1; these lots are located along or adjacent to a major transit corridor, Mission Street. That coupled with their close proximity to a neighborhood commercial shopping district will allow future residents to easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 7

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

Policy 7.5

Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.

The proposed Ordinance will provide zoning accommodation by remove the minimum parking requirements for dwelling units, which encourages the production of affordable housing.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The proposed Ordinance will allow for a moderate increase in dwelling unit density along a major transit corridor. This moderate increase will have a de minimis impact on surrounding residential district's neighborhood character.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

By removing minimum parking requirements and moderately increasing the allowable density on some parcels, the proposed Ordinance will encourage new housing along a major transit route; creating housing that relies on transit use and environmentally sustainable patterns of movement.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.3

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The proposed Ordinance will increase the housing density along a major transit route and within a Neighborhood Commercial District bringing housing close to jobs in the commercial corridor and transit.

2. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance does not propose significant changes to the controls in the subject Neighborhood Commercial Districts. However, creating named NCDs will allow the district to respond more easily to emerging issues that may impact opportunities for resident employment in and ownership of neighborhood-serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed legislation would create individually named Neighborhood Commercial Districts on Mission Street, which help to preserve and enhance the character of the neighborhood.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effect on the City's supply of affordable housing. Removing the minimum parking controls will encourage more affordable housing in the proposed named NCD.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will have no significant impact on commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed Ordinance. Should a proposed use be located within a landmark or historic building, such site would be evaluated under

typical Planning Code provisions and comprehensive Planning Department policies.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on April 18, 2013.

Jonas P Ionin
Acting Commission Secretary

AYES: Commissioners Borden, Fong, Hillis, Moore, and Wu

NAYS: Commissioner Antonini and Sugaya

ABSENT: none

ADOPTED: April 18, 2013