



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19127

HEARING DATE MAY 1, 2014

Project Name: **Amendments Relating to Provisions in P (Public) Zoned Districts**
Case Number: 2014.0180T [Board File No. 140062, Version 2]
Initiated by: Mayor Edwin Lee/ Reintroduced April 22, 2014
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Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY AMENDING SECTIONS 234, 234.1, AND 234.2, IN ORDER TO MODIFY AND MAKE TECHNICAL AMENDMENTS TO THE PROVISIONS OF PUBLIC USE ZONING DISTRICTS, AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

WHEREAS, on January 28, 2014, Mayor Edwin Lee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 140062, which would amend Sections 234, 234.1, and 234.2, in order to modify and make technical amendments to the provisions of Public Use Zoning Districts;

WHEREAS, on April 22, 2014, Mayor Edwin Lee reintroduced the proposed Ordinance under Board of Supervisors Board File Number 140062, with modifications based on Planning Department and community feedback;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 1, 2014; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning 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, 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 Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** 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. Most of the proposed text changes in the Ordinance are clerical in nature, intended to simplify an overly complex section of the Code. These changes will help make this section of the Code easier to use, enforce and interpret. The substantive changes in the Ordinance are intended to bring some clarity to the types of uses, specifically Accessory Use, that are permitted in P Zoned Districts, and to permit the uses anticipated by the SF Plaza Program.
2. The current restrictions for Accessory Uses in P Districts are ambiguous and lack size limitations. The Commission finds that the proposed Ordinance seeks to rectify this issue by bring more clarity to the permitting process while still providing flexibility for City owned land. Tying Accessory Use controls to the nearest non-Residential district will help ensure that any Accessory Use approved in P Districts will be appropriate and compatible with the surrounding neighborhood.
3. The proposed Ordinance places Formula Retail restrictions on P Zoned parcels which is consistent with the intention of Proposition G, in that it helps to preserve neighborhood character, while still allowing each Formula Retail proposal to be reviewed on a case by case basis.
4. The proposed Ordinance removes the conditional use requirement for temporary uses and the requirement that signs be approved by the Commission in P Districts. Given the cost and time associated with the CU process, and that these permits are for temporary uses and signs, which have limited land use impacts, it does not make sense from a regulatory stand point to require CU authorization from the Planning Commission for every temporary use or for Planning Commission approval for every sign permit in P Districts.
5. The SF Plaza program is an effort to help improve the City's public plazas by providing long-term activation, management, and/or maintenance. It's a format that has been used successfully in many cities, perhaps most famously in New York City where they have used this type of program to activate a number of newly created plazas around the city as a part of the New York Department of Transportation-sponsored City Plaza Program.

6. Successful public plazas have amenities (food, water features, trees, etc.), seating, and a caretaker, who ensures that the plaza is clean and to discourage anti-social behavior. Many of San Francisco's public plazas lack all three of these requirements. The proposed changes will help improve some of San Francisco's plazas by allowing non-profits to sponsor and activate city plazas, providing amenities, custodial services and monitoring.
7. **General Plan Compliance.** The proposed amendments to the Planning Code are consistent with the following Objectives and Policies of the General Plan.

URBAN DESIGN ELEMENT

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.1

Preserve in their natural state the few remaining areas that have not been developed by man.

Policy 2.2

Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.

The proposed Ordinance will not increase development potential on publicly owned land or allow additional development that would detract from the nature like qualities of the City's open spaces.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.5

Provide adequate maintenance for public areas.

Policy 4.7

Encourage and assist in voluntary programs for neighborhood improvement.

The proposed Ordinance would allow the city to enter into agreements with non-profit organizations for the maintenance and upkeep of public plazas.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 2

DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.2

Preserve existing public open space

The proposed Ordinance would not diminish the amount of public open space in the City, but would provide a way to better maintain the public plazas that we currently have.

OBJECTIVE 4

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.1

Make better use of existing facilities.

The proposed Ordinance will allow non-profit enterprises to activate public plazas, allowing those spaces to be better utilized.

8. **Planning Code Section 101 Findings.** 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 Ordinance would not have a negative impact on neighborhood serving retail uses and will not impact opportunities for resident employment in and ownership of neighborhood-serving retail.

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 Ordinance would not have a negative effect on housing or neighborhood character.

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

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

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

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

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

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an impact on the City's Landmarks and historic buildings.

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

The proposed Ordinance would not have an impact on the City's parks and open space access to sunlight and vistas.

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 1, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya, Wu

NOES: none

ABSENT: none

ADOPTED: May 1, 2014