



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: FEBRUARY 23, 2012

Project Name: **Amendments relating Automobile Sale and Rental in NC-S Zoning Districts**

Case Number: 2012.0017T [Board File No. 11-1315]

Initiated by: Supervisor Elsbernd/ Introduced December 6, 2011

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

Recommendation: **Recommend Approval**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

The Way It Is Now:

Automobile Sale or Rental, defined by Planning Code Section 790.12, is not permitted in the NC-S (Neighborhood Commercial Shopping District) Zoning District.

The Way It Would Be:

The proposed ordinance would allow Automobile Sale or Rental with Conditional Use authorization in NC-S Zoning Districts.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

Neighborhood Commercial Shopping Center (NC-S) Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street. There are 12 areas of the city, encompassing 28 properties, that are zoned NC-S. These areas are spread fairly evenly throughout the City. A map of NC-S zoned properties is included in your packet.

Given the typical physical layout of properties zoned NC-S, which usually includes large surface parking lots, and that the district is intended for car-oriented shoppers, the Department finds that allowing automobile sales and rental through a Conditional Use authorization could be compatible with NC-S Districts. Not every NC-S District is suitable for automobile sales or rental, which is why requiring Conditional Use authorization for this use is essential to ensuring that each proposal is considered on a case-by-case basis.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Sections 713.61 to allow automobile sale or rental uses in NC-S Districts as a Conditional Use would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) & 15378 of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments from the general public pertaining to this ordinance.

RECOMMENDATION: Recommendation of Approval with Modification
--

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 11-1315
- Exhibit C: Map of properties zoned NC-S



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: FEBRUARY 23, 2012

Project Name: **Amendments relating Automobile Sale and Rental in NC-S Zoning Districts**

Case Number: 2012.0017T [Board File No. 11-1315]

Initiated by: Supervisor Elsbernd/ Introduced December 6, 2011

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

Recommendation: **Recommend Approval**

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 THAT WOULD AMEND PLANNING CODE SECTION 713.61 TO ALLOW AN AUTOMOBILE SALE OR RENTAL USE IN NEIGHBORHOOD COMMERCIAL SHOPPING CENTER (NC-S) DISTRICTS AS A CONDITIONAL USE.

PREAMBLE

Whereas, on December 6, 2011, Supervisor Elsbernd introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-1315, which would amend San Francisco Planning Code, Section 713.61 to allow an automobile sale or rental use in NC-S (Neighborhood Commercial Shopping Center) Districts as a conditional use;

Whereas on December 21, 2011, the Clerk of the Board transmitted the proposed Ordinance, File Number 11-1315, to the Planning Department; and,

Whereas, on February 23, 2011, 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, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) & 15378 ; 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, 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;

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

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. Because NC-S Districts typically include large surface parking lots and focus on car-oriented shoppers, the Commission finds that auto sales and rental is a compatible use within NC-S Districts.
2. Not every NC-S District or property is suitable for automobile sales or rental, which is why requiring Conditional Use authorization for this use is essential to ensuring that each proposal is considered on a case-by-case basis.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

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.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed ordinance would help strengthen the vitality of NC-S Districts by allowing more diversity in the types of services and goods offered in the district. Allowing car sales or rental could also foster small business enterprise and entrepreneurship by making it possible for an entrepreneur to develop a business model for car sales or rental that is uniquely suited to NC-S zoning, and which does not currently exist in the City.

4. 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 will allow for greater diversity of uses in NC-S Zoning Districts that are also compatible with the NC-S Zoning Districts. Allowing for a greater diversity of uses will strengthen the viability of the districts and help preserve and enhance neighborhood-serving retail uses as well as create opportunities for employment in or ownership of such businesses in NC-S Districts.

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

While housing is permitted in NC-S Districts, it is not typically found there. The proposed legislation requires the Planning Commission to review each proposed automobile sales and rental use on a case-by-case basis through the Conditional Use process. This will help ensure that neighborhood character is conserved and protected.

- 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.

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

The proposed Ordinance will not result in 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 amendments. 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 amendments. 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 amendments. 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 February 23, 2012

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 23, 2012

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

December 21, 2011

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On December 6, 2011, Supervisor Elsbernd introduced the following proposed legislation:

File No. 111315

Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) making 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.

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 & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

Attachment

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

1 [Planning Code - Automobile Sale or Rental in NC-S Districts]

2

3 **Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an**
4 **automobile sale or rental use in NC-S Districts as a conditional use; and 2) making**
5 **environmental findings, Planning Code Section 302 findings, and findings of**
6 **consistency with the General Plan and the Priority Policies of Planning Code Section**
7 **101.1.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. Findings.

13 (a) The Planning Department has determined that the actions contemplated in this
14 ordinance comply with the California Environmental Quality Act (California Public Resources
15 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
16 Supervisors in File No. _____ and is incorporated herein by reference.

17 (b) Pursuant to Planning Code Section 302, this Board finds that the actions
18 contemplated in this ordinance will serve the public necessity, convenience, and welfare for
19 the reasons set forth in Planning Commission Resolution No. _____ and the Board
20 incorporates such reasons herein by reference. A copy of Planning Commission Resolution
21 No. _____ is on file with the Clerk of the Board of Supervisors in File No. _____.

22 (c) This Board finds that the actions contemplated in this ordinance are consistent with
23 the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons
24 set forth in Planning Commission Resolution No. _____ and the Board hereby
25 incorporates such reasons herein by reference.

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
 2 713, to read as follows:

3 **SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**
 4 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
Retail Sales and Services					
713.61	Automobile Sale or Rental	§ 790.12	<u>C</u>		

13
 14 Section 3. This section is uncodified.

15 In enacting this ordinance, the Board intends to amend only those words, phrases,
 16 paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams or any
 17 other constituent part of the Planning Code that are explicitly shown in this legislation as
 18 additions, deletions, Board amendment additions, and Board amendment deletions in
 19 accordance with the "Note" that appears under the official title of the legislation. This
 20 ordinance shall not be construed to effectuate any unintended amendments. Any additions or
 21 deletions not explicitly shown as described above, omissions, or other technical and non-
 22 substantive differences between this ordinance and the Planning Code that are contained in
 23 this legislation are purely accidental and shall not effectuate an amendment to the Planning
 24 Code. The Board hereby authorizes the City Attorney, in consultation with affected City
 25 departments, to make those necessary adjustments to the published Planning Code, including

1 non-substantive changes such as renumbering or relettering, to ensure that the published
2 version of the Planning Code is consistent with the laws that this Board enacts.

3

4 Section 4. Effective Date. This ordinance shall become effective 30 days from the
5 date of passage.

6

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

8

9 By: _____
10 JUDITH A. BOYAJIAN
11 Deputy City Attorney

10

11

12

13

14

15

16

17

18

19

20

21

22

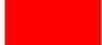
23

24

25

NC-S Zoned Property

Legend

 NC-S Zoned Property

Neighborhood Commercial, Shopping Center Districts (NC-S Districts) are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street. There are 12 areas, encompassing 28 properties, zoned NC-S in the City.

The proposed Ordinance was introduced by Supervisor Elsburnd on December 6, 2011 and would amend the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

