



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Amendment Initiation

HEARING DATE: MAY 02, 2013

*Date:* April 25, 2012  
*Case No.:* 2013.0476T  
*Project Address:* **Planning Code Amendment: Tourist Hotel Size in the MUO**  
*Initiated by:* John Rahaim, Director of Planning  
*Staff Contact:* Sophie Hayward – (415) 558-6372  
[sophie.hayward@sfgov.org](mailto:sophie.hayward@sfgov.org)  
*Reviewed by:* AnMarie Rodgers, Manager, Legislative Affairs  
[Anmarie.rodgers@sfgov.org](mailto:Anmarie.rodgers@sfgov.org)  
*Recommendation:* **Approval to Initiate**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The action before the Commission is the initiation of the code amendments described below. Initiation does not involve a decision on the substance of the amendments; the Commission may hold a separate adoption hearing and take action on the proposed Planning Code amendments after the required 20 day notice period.

### CODE AMENDMENT

The proposed Ordinance would amend the Planning Code (herein after “Code”) to achieve the following: allow tourist hotels of any size within the Mixed Use-Office (MUO) Zoning District with Conditional Use authorization.

The proposed Code amendment would amend both the narrative description of the MUO Zoning District (Section 842), and the accompanying Zoning Control Table (Table 842).

Specifically, the Code amendments include:

- Adding a note to Section 842 clarifying that tourist hotels are permitted as a conditional use; and,
- Amending Table 842.49 by removing the size restriction under the “controls” for tourist hotels. The Conditional Use authorization requirement would remain.

### The Way It Is Now:

- Tourist Hotels are allowed within the MUO Zoning District with Conditional Use authorization provided that the hotels have fewer than 75 rooms.

### The Way It Would Be:

- Tourist hotels of any size would be allowed within the MUO Zoning District with Conditional Use authorization.

## REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval to initiate the Planning Code amendments.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the resolution of intent to initiate the Planning Code amendments.

## BASIS FOR RECOMMENDATION

The proposed ordinance would amend the MUO controls to allow hotels of any size with Conditional Use authorization. The proposed amendment would remove the automatic prohibition of hotels with 75 units or more.

The MUO Zoning District is located predominantly along the 2nd Street corridor in the South of Market area, and is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities.

The existing MUO controls allow hotels with less than 75 rooms to be approved via Conditional Use authorization by the Planning Commission. Larger hotels are prohibited. This existing control (Sec 842.49) is in the MUO district not because of any policy considered during the Eastern Neighborhoods effort, but rather because the MUO District was based upon the Service Secondary Office (SSO) Zoning District which did limit Tourist Hotels to less than 75 units (Sec 818.78). Much of the existing MUO area was rezoned from the former M-2 (Heavy Industrial) district without any specific consideration of hotel use in the area.

While there is a policy rationale to support careful review of any proposed new tourist hotel, there does not seem to be a need to restrict outright the size or room count of proposed new hotels. Hotels, even large hotels, may be appropriately located within the MUO Zoning District and are compatible with the range of permitted and conditionally permitted uses in the area.

## ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

## PUBLIC COMMENT

As of the date of this report, the Planning Department has received no public comment on the proposal.

<b>RECOMMENDATION:</b> <b>Approval to Initiate for Hearing on or After May 23, 2013</b>
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**Attachments**

- Exhibit A: Draft Ordinance
- Exhibit B: Resolution to Initiate the Draft Ordinance

1 [Planning Code – Mixed Use Office District]

2

3 **Ordinance amending the Planning Code by amending Section 842 and Section 842.49**  
4 **of the Zoning Control Table to permit a tourist hotel with Conditional Use authorization**  
5 **without a specified room limit and making environmental findings, Planning Code**  
6 **Section 302 findings, and findings of consistency with the General Plan and the Priority**  
7 **Policies of Planning Code Section 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;  
11 Board amendment deletions are ~~striketrough normal~~.  
12 Ellipses indicate text that is omitted but unchanged.

11

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

13 Section 1. Findings.

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

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

23 Section 2. The Planning Code is hereby amended by amending Section 842 and  
24 Section 842.49 of the Zoning Control Table, to read as follows:

25

1 **SEC. 842.49. MUO – MIXED USE-OFFICE DISTRICT.**

2 The Mixed Use-Office (MUO) runs predominantly along the 2nd Street corridor in the  
 3 South of Market area. The MUO is designed to encourage office uses and housing, as well as  
 4 small-scale light industrial and arts activities. Nighttime entertainment *and tourist hotels are is*  
 5 permitted as a conditional use. Dwelling units and group housing are permitted, while  
 6 demolition or conversion of existing dwelling units or group housing requires conditional use  
 7 authorization. Family-sized housing is encouraged.

8 Office, general commercial, most retail, production, distribution, and repair uses are  
 9 also principal permitted uses. ~~Large hotel, a~~Adult entertainment and heavy industrial uses are  
 10 not permitted.

11 **Table 842**  
 12 **MUO – MIXED USE-OFFICE DISTRICT**  
 13 **ZONING CONTROL TABLE**

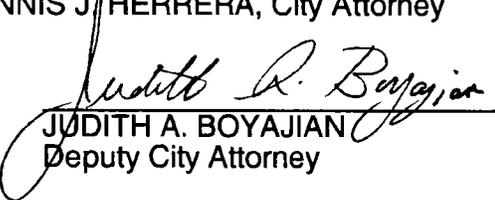
			<b>Mixed Use-Office District</b>
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<p>18 ...</p> <p>19 <b>Retail Sales and Services</b></p>			
842.49	Tourist Hotel	§ 890.46	<i>C if less than 75 rooms</i>
<p>21 ...</p>			

22  
 23 Section 3. Effective Date. This ordinance shall become effective 30 days from the  
 24 date of passage.

1 Section 4. This section is uncodified. In enacting this ordinance, the Board intends to  
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
3 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
4 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
5 Board amendment deletions in accordance with the "Note" that appears under the official title  
6 of the legislation.

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

10 By:

  
11 JUDITH A. BOYAJIAN  
12 Deputy City Attorney

13 n:\land\as2013\9690392\00841046.doc



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## Draft Planning Commission Resolution

HEARING DATE: MAY 02, 2013

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*Reviewed by:* AnMarie Rodgers, Manager, Legislative Affairs  
[Anmarie.rodgers@sfgov.org](mailto:Anmarie.rodgers@sfgov.org)  
*Recommendation:* **Approval to Initiate**

**INITIATING AMENDMENTS TO THE PLANNING CODE TO SECTION 842 TO ALLOW TOURIST HOTELS WITH CONDITIONAL USE AUTHORIZATION WITHIN THE MIXED-USE OFFICE (MUO) ZONING DISTRICT AND TO AMEND TABLE 842, SECTION 842.49 TO REMOVE THE RESTRICTION ON THE NUMBER OF ROOMS A HOTEL MAY HAVE TO BE ALLOWED WITH CONDITIONAL USE AUTHORIZATION.**

### PREAMBLE

WHEREAS, the existing Code allows only hotels with fewer than 75 rooms to be allowed with Conditional Use authorization within the MUO Zoning District; and

WHEREAS, the MUO Zoning District is located predominantly along the 2nd Street corridor in the South of Market area, and is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities; and

WHEREAS, hotels, even large hotels, may be appropriately located within the MUO Zoning District and are compatible with the range of permitted and conditionally permitted uses in the area; and

WHEREAS, while there is a policy rationale to support careful review of any proposed new tourist hotel, there does not seem to be a need to restrict outright the size or room count of proposed new hotels; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of the proposed Ordinance on May 2, 2013; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); 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:

**MOVED**, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution of Intent to Initiate amendments to the Planning Code.

**AND BE IT FURTHER RESOLVED**, That pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in **Exhibit A**, to be considered at a publicly noticed hearing on or after May 23, 2013.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on May 2, 2013.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT: