



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Amendment Initiation

HEARING DATE: JULY 20, 2017

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

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Planning
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415.558.6377

Project Name: **Amendments to the Mission Street Neighborhood Commercial Transit and to the 24th Street – Mission Neighborhood Commercial Transit Districts related to the Mission Action Plan 2020**

Case Number: **2015-000988PCA-03**

Staff Contact: Pedro Peterson, Citywide Planning
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Reviewed by: Joshua Switzky, Senior Planner
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Recommendation: **Initiate and Schedule for Adoption on or After September 14, 2017**

The action before this Commission is initiation of the code amendments described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required 20-day notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to achieve the following: 1) remove Non-Retail Professional Services (previously known as Administrative Services) as a permitted use in the Mission Street Neighborhood Commercial Transit District (NCT); 2) limit the merging of lots in the Mission Street NCT; 3) allow compatible Production, Distribution and Repair (PDR) uses in the Mission NCT and 24th Street – Mission NCT.

The Way It Is Now:

1. Section 754 of the Planning Code (Mission Street NCT) controls the following uses as such:
 - a) Non-Retail Professional Services are permitted as a conditional use
 - b) Arts activities, light manufacturing, and catering are not permitted
 - c) Animal hospitals are permitted as a conditional use on the first two floors
 - d) Trade shops are permitted as a conditional use above the first floor
2. Section 763 of the Planning Code (24th Street - Mission NCT) controls the following uses as such:
 - o Arts activities and light manufacturing are not permitted
3. Section 121.7 of the Planning Code does not limit lot mergers in the Mission Street NCT

The Way It Would Be:

1. The following changes will be made to section 754 of the Planning Code (Mission Street NCT):
 - a) Non-Retail Professional Services will be removed as a permitted use
 - b) Arts activities, light manufacturing, and catering will be permitted on all floors
 - c) Animal hospitals will be principally permitted on the first two floors
 - d) Trade shops will be permitted above the first floor
2. The following changes will be made to section 763 of the Planning Code (24th Street - Mission NCT):
 - o Arts activities and light manufacturing will be permitted on all floors
3. Section 121.7 of the Planning Code will be modified to restrict lot mergers in the Mission Street NCT to a limit of 150 feet of lot frontage

BACKGROUND

The Eastern Neighborhoods Area Plans (EN Plan), adopted by the Board of Supervisors in 2008, established the Mission Street and 24th Street – Mission NCTs as walkable, transit rich corridors featuring a diversity of commercial activities and employment opportunities. Since early 2015, the City has engaged with the Mission neighborhood community groups on the Mission Action Plan 2020 (MAP 2020) in order to address issues related to gentrification and displacement. MAP 2020 included strategies in seven categories, including tenant protections, affordable housing, and economic development, the latter of which places a strong emphasis on maintaining and strengthening PDR activities in the neighborhood. The Planning Commission endorsed the recommendations of MAP 2020 on March 2, 2017.

ISSUES AND CONSIDERATIONS

The legislative changes proposed in these Planning Code amendments would further many of the goals of the EN Plan and MAP 2020. The removal of Non-Retail Professional Services (formerly known as Administrative Services) as a conditionally permitted use in the Mission Street NCT will reduce the land use and economic pressures created by business-to-business activities on the types of customer-facing commercial activities envisioned for the corridor. The proposed additions of PDR activities to the Mission Street and 24th Street – Mission NCTs will broaden the range of activities allowed on those corridors as well as the range of locational options for PDR businesses in the neighborhood. Notably, discussions in recent years of encouraging or requiring new or replacement PDR spaces in the neighborhood have been hampered by the fact that a broad range of PDR uses, including arts activities, manufacturing, and catering, have not been generally permitted in these districts.

To ensure that the street-level experience on these streets maintains their pedestrian and neighborhood-serving orientation, the amendments require that any PDR activities located on the ground floor maintain active commercial uses facing Mission or 24th Street, per Section 145.4 of the Planning Code. Finally, the restriction on lot mergers in the Mission Street NCT will prevent large-scale projects from breaking the pedestrian orientation of the corridor. The lot frontage limit of 150 feet will continue to allow for the development of moderate density housing that can accommodate a significant number of below market rate units.

RECOMMENDATION

The Department recommends that the Commission recommend approval of the resolution to initiate the Planning Code amendments for consideration on or after September 14, 2017.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission initiate the proposed ordinance because it will move forward several of the legislative objectives of MAP 2020 to maintain the character of the Mission and curb displacement pressures. Further, the Department believes that the September 14, 2017 adoption date will provide sufficient time for the community to review the proposed amendments and for the Department to conduct further outreach.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may initiate the proposed Ordinance and schedule a time for the ordinance to be heard for adoption.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code is anticipated to result in no physical impact on the environment. Evaluation under CEQA will be complete prior to the adoption hearing.

PUBLIC COMMENT

This package of amendments is related to the broader MAP 2020 efforts, which has been a multi-year process with extensive community outreach and opportunities for public comment. The amendments have been drafted as a direct response to community input during the MAP 2020 process.

RECOMMENDATION: Initiate and Consider Adoption on or after September 14, 2017

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE JULY 20, 2017

1650 Mission St.
Suite 400
San Francisco,
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<i>Case Number:</i>	2015-000988PCA-03	Planning Information: 415.558.6377
<i>Initiated by:</i>	Planning Commission	
<i>Staff Contact:</i>	Pedro Peterson, Citywide Planning pedro.peterson@sfgov.org, 415-575-9163	
<i>Reviewed by:</i>	Joshua Switzky, Senior Planner joshua.switzky@sfgov.org, 415-575-6815	
<i>Recommendation:</i>	Initiate and Schedule for Adoption on or After September 14, 2017	

INITIATING AMENDMENTS TO THE PLANNING CODE TO REVISE THE CONTROLS IN THE MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (MISSION NCT) TO REMOVE NON-RETAIL PROFESSIONAL SERVICE (PREVIOUSLY KNOWN AS ADMINISTRATIVE SERVICES) AS A PERMITTED USE, TO LIMIT THE MERGING OF LOTS, AND TO ALLOW CERTAIN PRODUCTION, DISTRIBUTION, AND REPAIR USES, AND TO REVISE THE CONTROLS IN THE 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT TO ALLOW CERTAIN PRODUCTION, DISTRIBUTION, AND REPAIR USES; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on July 20, 2017; and,

WHEREAS, the Commission authorized the launching of the Eastern Neighborhoods Plans (EN Plan) in 2001 through Resolution Number 16201; and

WHEREAS, the EN Plan established the Mission Street Neighborhood Commercial Transit (NCT) District along Mission Street, between Duboce Avenue and Cesar Chavez Street, and the 24th Street – Mission NCT, between Bartlett Street and San Bruno Avenue, as vibrant commercial corridors supported by medium density housing, served by multiple transit options, with a fine-grained pedestrian orientation; and

WHEREAS, since the adoption of the EN Plan and its associated zoning, the City has determined that the continued establishment, evolution, and adaptation of these uses demands a more responsive set of zoning controls in the Planning Code; and

WHEREAS, the characteristics of the commercial uses envisioned in the EN Plan are incompatible with business-to-business office uses that can increase land use pressures on retail activities serving the corridor; and

WHEREAS, the Non-Retail Professional Services (previously known as Administrative Services) use conditionally permitted in the Mission Street NCT District allows for such business-to-business office activities; and

WHEREAS, the EN Plan seeks to strike a balance between protecting the fine-grained pedestrian orientation of the Mission Street NCT District while promoting housing development opportunities that can accommodate significant amounts of below-market rate housing; and

WHEREAS, the City has engaged with members of the Mission neighborhood community under the guise of the Mission Action Plan 2020 (MAP 2020) to continue to address land use issues after the EN Plans; and

WHEREAS, the MAP 2020 process has identified the need to promote Production, Distribution, and Repair (PDR) activities as a way to maintain economic diversity in the Mission neighborhood; and

WHEREAS, some PDR activities may be compatible with and complement the neighborhood commercial uses in the Mission Street and 24th Street – Mission NCTs; and

WHEREAS, the Environmental Review will be completed prior to the Commission taking action on this Ordinance; 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, 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 pursuant to Planning Code Section 302(b), the Commission adopts a Resolution to initiate amendments to the Planning Code;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the 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 **September 14, 2017**.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 20, 2017.

Resolution No. _____
Hearing Date: July 20, 2017

Case No. 2015-000988PCA-03
Amendments to Mission Street NCT and 24th Street – Mission NCT

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

1 [Planning Code - Mission Street Neighborhood Commercial Transit District and 24th Street -
2 Mission Neighborhood Commercial Transit District]

3 **Ordinance amending the Planning Code to prohibit Administrative Services uses, limit**
4 **lot mergers, and allow certain Production, Distribution, and Repair (PDR) uses within**
5 **the Mission Street Neighborhood Commercial Transit District (Mission NCT); to allow**
6 **certain PDR uses within the 24th Street - Mission Neighborhood Commercial Transit**
7 **District; and affirming the Planning Commission's determination under the California**
8 **Environmental Quality Act; and making findings of consistency with the General Plan**
9 **and the eight priority policies of Planning Code Section 101.1, and findings of public**
10 **necessity, convenience, and welfare under Planning Code Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings and Purpose.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. _____ and is incorporated herein by reference. The Board
24 affirms this determination.

25 (b) On _____, the Planning Commission, in Resolution No. _____,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
5 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth
6 in Planning Commission Resolution No. _____ and the Board incorporates such
7 reasons herein by reference.

8 (d) In 2008, the Board of Supervisors adopted the Eastern Neighborhoods Plan and
9 related zoning, in part to reaffirm the Mission Street corridor, between Duboce Avenue and
10 Cesar Chavez Street, and the 24th Street - Mission Street corridor, between Bartlett Street and
11 San Bruno Avenue, as Neighborhood Commercial Transit Districts to encourage vibrant
12 commercial corridors supported by medium density housing, served by multiple transit
13 options, and to protect their historic pedestrian orientation. Since the adoption of this Plan and
14 its associated zoning, the City has determined that the continued establishment, evolution,
15 and adaptation of these uses demands a more responsive set of zoning controls in the
16 Planning Code.

17 (e) The zoning controls proposed in this legislation are intended to satisfy the
18 following policy goals: (1) reduce land use pressures on retail and services uses from
19 business-to-business office uses; (2) protect the fine-grain, pedestrian orientation of Mission
20 Street, and; (3) expand opportunities for compatible PDR uses.

21
22 Section 2. The Planning Code is hereby amended by revising Sections 121.7, 754,
23 and 763, to read as follows:

24 **SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON**
25 **PEDESTRIAN-ORIENTED STREETS.**

1 In order to promote, protect, and maintain a fine-grain scale of development in
 2 residential districts and on important pedestrian-oriented commercial streets *which that* is
 3 appropriate to each district, compatible with adjacent buildings; provide for a diverse
 4 streetscape; ensure the maintenance and creation of multiple unique buildings and building
 5 frontages rather than large single structures superficially treated; promote diversity and
 6 multiplicity of land ownership and discourage consolidation of property under single
 7 ownership, merger of lots is regulated as follows:

Street or District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
RED and RED-MX	50 feet
Church Street, from Duboce to 16th Street	100 feet
Divisadero Street NCT except for the east and west blocks between Oak and Fell, Fillmore Street NCT, Folsom Street NCT, RCD, WMUG, WMUO, and SALI	100 feet
Market, from Octavia to Noe; <i>Mission, from Duboce to Cesar Chavez</i>	150 feet
Ocean Avenue in the Ocean Avenue NCT	See subsection (e)
Inner and Outer Clement NCDs	50 feet
North Beach NCD and SUD, and Telegraph Hill - North Beach Residential SUD*	25 feet
NC-2 districts on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue	50 feet

1 *For lots that do not have street frontage, the merger would not result in a lot with a
2 width greater than 25 feet.

3 * * * *

4 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
5 **DISTRICT.**

6 The Mission Street Commercial Transit District is located near the center of San
7 Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez
8 (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and
9 Cesar Chavez Street. The commercial area of this District provides a selection of goods
10 serving the day-to-day needs of the residents of the Mission District. Additionally, this District
11 serves a wider trade area with its specialized retail outlets. Eating and drinking establishments
12 contribute to the street's mixed-use character and activity in the evening hours.

13 The District is extremely well-served by transit, including regional-serving BART
14 stations at 16th Street and 24th Street, major buses running along Mission Street, and both
15 cross-town and local-serving buses intersecting Mission along the length of this district. Given
16 the area's central location and accessibility to the City's transit network, accessory parking for
17 residential uses is not required. Any new parking is required to be set back or be below
18 ground.

19 This District has a mixed pattern of larger and smaller lots and businesses, as well as a
20 sizable number of upper-story residential units. Controls are designed to permit moderate-
21 scale buildings and uses, protecting rear yards above the ground story and at residential
22 levels. New neighborhood-serving commercial and compatible production, distribution, and repair
23 (PDR) development is encouraged mainly at the ground story. PDR uses on the ground story are
24 required to include active commercial uses with storefronts facing the street. While offices and
25 general retail sales uses may locate at the second story of new buildings under certain

1 circumstances, most commercial uses are prohibited above the second story. Continuous
 2 retail frontage is promoted by requiring ground floor commercial uses in new developments
 3 and prohibiting curb cuts. Housing development in new buildings is encouraged above the
 4 ground story. Housing density is not controlled by the size of the lot but by requirements to
 5 supply a high percentage of larger units and by physical envelope controls. Existing
 6 residential units are protected by prohibitions on upper-story conversions and limitations on
 7 demolitions, mergers, and subdivisions. Accessory Dwelling Units are permitted within the
 8 district pursuant to subsection 207(c)(4) of this Code.

9 **Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 10 **ZONING CONTROL TABLE**

* * * *				
Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
<i>Agricultural Use Category</i>		1st	2nd	3rd+
<u><i>Agricultural Use Category</i></u>				
* * * *				
Entertainment, Arts, and Recreation Use Category				
Entertainment, Arts, and Recreation Uses*	§102	NP	NP	NP
Amusement Game Arcade	§102	C	NP	NP
Entertainment, General	§102	P	P	NP
Entertainment, Nighttime	§102	P	P	NP
Movie Theater	§102	P	P	NP

1	Open Recreation Area	§102	C	C	C
2	Passive Outdoor Recreation	§102	C	C	C
3	Industrial Use Category				
4	Industrial Uses*	§§102,	NP	NP	NP
5		202.2(d)			
6	<i>Manufacturing, Light</i>	<u>§§102,</u>	<u>P(4)</u>	<u>P</u>	<u>P</u>
7		<u>202.2(d)</u>			
8	* * * *				
9	Sales and Service Use Category				
10	Retail Sales and Service Uses*	§§102,	P	P	P
11		202.2(a)			
12	Adult Business	§102	C	C	NP
13	Animal Hospital	§102	<u>CP(4)</u>	<u>CP</u>	NP
14	* * * *				
15	Trade Shop				
16	Non-Retail Sales and Service <u>Uses</u>*				
17	<i>Catering</i>	§102	P	<u>CP</u>	<u>CP</u>
18	Design Professional	§102	NP	NP	NP
19	<i>Service, Non-Retail Professional</i>	<u>§102</u>	<u>P(4)</u>	<u>P</u>	<u>P</u>
20	Trade Office	§102	P	P	P
21	Utility and Infrastructure Use	<u>§102</u>	<u>C</u>	<u>C</u>	<u>C</u>
22	Category				
23	Utility and Infrastructure <u>Uses</u>*	§102	P	P	P
24	* * * *				
25					

1 *Not listed below

2 * * * *

3 (4) Production, Distribution, and Repair (PDR) uses located in the ground floor shall have active
4 commercial activities facing Mission Street, per Section 145.4. These may be retail activities accessory
5 to the PDR use or a separate business operating in the street-facing space.

6 * * * *

7 **SEC. 763. 24TH STREET-MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**
8 **DISTRICT.**

9 The 24th Street- Mission Neighborhood Commercial Transit District is situated in the
10 Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This
11 mixed-use district provides convenience goods to its immediate neighborhood as well as
12 comparison shopping goods and services to a wider trade area. The street has a great
13 number of Latin American restaurants, grocery stores, and bakeries as well as other gift and
14 secondhand stores. Most commercial businesses are open during the day while the district's
15 bars and restaurants are also active in the evening. Dwelling Units are frequently located
16 above the ground-story commercial uses.

17 The 24th Street - Mission Neighborhood Commercial Transit District controls are
18 designed to provide potential (Or new development consistent with the existing scale and
19 character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear
20 yard corridors above the ground story and at residential levels are protected. Most commercial
21 uses are encouraged at the ground story, while service uses are permitted with some
22 limitations at the second story. Special controls are necessary to preserve the unique mix of
23 convenience and specialty commercial uses. In order to maintain convenience stores and
24 protect adjacent livability, new bars and fast-food restaurants are prohibited, and limitations
25 apply to the development and operation of ground-story full-service restaurants, take-out food

1 and entertainment uses. Compatible production, distribution, and repair (PDR) development is
 2 encouraged. PDR activities on the ground story are required to include active commercial uses with
 3 storefronts facing the street. Continuous retail frontage is maintained and encouraged by
 4 prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active,
 5 pedestrian-oriented ground floor uses. Parking is not required, and any new parking required
 6 to be set back or below ground.

7 Housing development in new buildings is encouraged above the ground story. Housing
 8 density is not controlled by the size of the lot but by requirements to supply a high percentage
 9 of larger units and by physical envelope controls. Existing housing units are protected by
 10 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
 11 subdivisions. Given the area's central location and accessibility to the City's transit network,
 12 accessory parking for Residential Uses is not required.

13 **Table 763. 24TH STREET -MISSION NEIGHBORHOOD COMMERCIAL**
 14 **TRANSIT DISTRICT ZONING CONTROL TABLE**

		24th Street – Mission NCT		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
<i>Agricultural Use Category</i>		1st	2nd	3rd+
<u><i>Agricultural Use Category</i></u>				
* * * *				
Entertainment, Arts and Recreation Use Category				

1	Entertainment Arts and Recreation Uses*	§102	NP	NP	NP
2					
3	<u>Arts Activities</u>	<u>§102</u>	<u>P(6)</u>	<u>P</u>	<u>P</u>
4	* * * *				
5	Industrial Use Category				
6	Industrial Uses*	§§102,	NP	NP	NP
7		202.2(d)			
8	<u>Manufacturing, Light</u>	<u>§§102, 202.2(d)</u>	<u>P(6)</u>	<u>P</u>	<u>P</u>
9	* * * *				

10 *Not listed below.

11 * * * *

12 (6) Production, Distribution, and Repair (PDR) uses located in the ground floor shall have active
13 commercial activities facing 24th Street, per Section 145.4. These may be retail activities accessory to
14 the PDR use or a separate business operating in the street-facing space.

15
16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

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:


7 MARLENA BYRNE
8 Deputy City Attorney

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