



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment

HEARING DATE: JUNE 30, 2016

EXPIRATION DATE: N/A

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: **Rezoning the Upper Market St. NCD to Upper Market St. NCT**
Case Number: **2016-008126MAP** [Board File No. TBD]
Initiated by: Planning Department
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Initiate and Schedule for Adoption on or After September 22, 2016**

The action before the 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 revise Section Map ZN07 of the Zoning Map to delete the Upper Market Street Neighborhood Commercial District (NCD) and reclassify Block 2623, Lot 006 at 376 Castro Street and Block 2623, Lot 091 at 2416-2420 Market Street from Upper Market Street NCD to the Upper Market Street Neighborhood Commercial Transit District.

The Way It Is Now:

376 Castro Street (Block 2623, Lot 006) and 2420 Market Street (Block 2623 Lot 91) are zoned Upper Market Street Neighborhood Commercial District (NCD).

The Way It Would Be:

376 Castro Street (Block 2623, Lot 006) and 2420 Market Street (Block 2623 Lot 91) would be zoned Upper Market Street Neighborhood Commercial **Transit** (NCT) District..

BACKGROUND

On February 21, 2013, the Planning Commission voted to recommend approval with modifications of Board File 120902, an ordinance that expanded the boundaries of the Upper Market Street Neighborhood Commercial Transit Districts to include properties along Market Street between Noe and Castro Streets. These properties were zoned Upper Market Street NCD. At the time, two properties on the northwest corner of Market and Castro Streets were not included in the rezoning because the sponsoring supervisor, Supervisor Wiener, lived within 500 feet of the two parcels. A City rule at the time prohibited Supervisors from sponsoring legislation that could impact their property or properties within 500 feet.

The Planning Commission's action on this ordinance included a recommendation that these two parcels be rezoned to Upper Market Street NCT. They were not included in the final ordinance, presumable because a separate properly noticed ordinance was required to rezone the properties.

ISSUES AND CONSIDERATIONS

Article 7 Reorganization

These two properties are the last properties zoned Upper Market Street NCD. As part of the Article 7 Code Reorganization Project, the Upper Market Street NCD will be deleted from the Planning Code, so it is imperative that these properties be rezoned either prior to or in concert with the passage of the Article 7 Reorganization Ordinance.

Approved Conditional Use at 376 Castro Street

On August 2, 2012, the Planning Commission approved a Conditional Use authorization for 376 Castro Street under Motion 18680, which included the following project description:

Demolish the existing automobile gasoline station and construct a six-story, 65-foot-tall 43,070 square-foot mixed-use building. The new building will include 24 residential units, three of which will be affordable, 3,000 square feet of ground-floor commercial space, and a 14-space underground parking garage, including 12 bicycle parking spaces, with ingress and egress from Castro Street. The residential portion of the project would be 27,000 square feet in area, and includes 18 units two-bedroom, and 6 one-bedroom units.

A permit for this project has not been issued by the Department of Building Inspection and the three year expiration date for the Conditional Use approval has passed. Were this project to come back to the Department it would likely require another Planning Commission hearing for approval.

The zoning change would actually be an up zoning for this property because the NCT zoning designation removes density controls based on lot area; however it would have more restrictive parking controls than the current zoning and would have a dwelling unit mix requirement. That said a similar project with some modifications could still be approved under the new proposed zoning.

IMPLEMENTATION

The Department has determined that this ordinance will not impact our current implementation procedures.

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.

RECOMMENDATION

The Department recommends that the Commission recommend approval of the resolution to initiate the Planning Code amendments and set a date for consideration on or after September 22, 2016.

BASIS FOR RECOMMENDATION

The proposed rezoning was already endorsed by the Planning Commission in their February 21, 2013 resolution. Further, the Department recommends that the Commission initiate the proposed ordinance because it will allow for the Code Reorganization Project to continue. These two properties are the only two properties in the Upper Market NCD, which is now a defunct zoning district. Because of this the Article 7 Reorganization Project plans to delete this zoning district from the Planning Code. In order to

delete the zoning district without causing inconsistencies with the Zoning Map and the Planning Code these two properties have to be rezoned.

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 initiation hearing.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION:	Initiate and Schedule for Adoption Hearing on or After September 22, 2016
------------------------	--

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Draft Ordinance
- Exhibit C: Parcel Map, Sanborn Map, Zoning Map and Site Picture



Exhibit A

SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE JUNE 30, 2016

Project Name: Rezoning the Upper Market St. NCD to Upper Market St. NCT
Case Number: 2016-008126MAP [Board File No. TBD]
Initiated by: Planning Department
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Initiate and Schedule for Adoption on or After September 22, 2016

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

INITIATING AMENDMENTS TO THE PLANNING CODE TO REVISE SECTION MAP ZN07 OF THE ZONING MAP TO DELETE THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND RECLASSIFY BLOCK 2623, LOT 006 AT 376 CASTRO STREET AND BLOCK 2623, LOT 091 AT 2416-2420 MARKET STREET FROM UPPER MARKET STREET NCD TO THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT; 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, On February 21, 2013, the Planning Commission voted to recommend approval with modifications of Board File 120902, which is an ordinance that expanded the boundaries of the Upper Market Street Neighborhood Commercial Transit Districts to include properties along Market Street between Noe and Castro Streets. These properties were zoned Upper Market Street NCD; and

WHEREAS, The two subject properties were not included in the rezoning because the sponsoring supervisor, Supervisor Wiener, lived within 500 feet of the two parcels, and a City rule at the time prohibited Supervisors from sponsoring legislation that could impact their property or properties within 500 feet; and

WHEREAS, The Planning Commission's action on this ordinance included a recommendation that the two subject parcels be rezoned to Upper Market Street NCT; and

WHEREAS, The two subject parcels are the only properties left in this zoning district, which is now a defunct zoning district; and

WHEREAS, The Planning Department is seeking to initiate a proposed ordinance that will reorganize Article 7 of the Planning Code, and as part of that ordinance will delete the Upper Market Street Neighborhood Commercial District; and

WHEREAS, In order to delete the zoning district without causing inconsistencies with the Zoning Map and the Planning Code these two properties have to be rezoned; and

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 June 30, 2016; and,

WHEREAS, the Environmental Review will be completed prior to the Commission taking action on this item; 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 pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution to Initiate amendments to the Planning Code and Zoning Map;

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 **September 22, 2016**.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 30, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 30, 2016

Exhibit B

1 [Planning Code, Zoning Map - Upper Market Street Districts]

2

3 **Ordinance amending the Planning Code to revise Sectional Map ZN07 of the Zoning**

4 **Map to delete the Upper Market Street Neighborhood Commercial District (NCD) and**

5 **reclassify Block 2623, Lot 006 at 376 Castro Street and Block 2623, Lot 091 at 2416-**

6 **2420 Market Street from the Upper Market NCD to the Upper Market Street**

7 **Neighborhood Commercial Transit District; affirming the Planning Department's**

8 **determination under the California Environmental Quality Act; making findings of**

9 **consistency with the General Plan and the eight priority policies of Planning Code**

10 **Section 101.1; and adopting findings of public convenience, necessity, and welfare**

11 **under Planning Code Section 302.**

12 **NOTE: Unchanged Code text and uncodified text are in plain Arial font.**

13 **Additions to Codes are in single-underline italics Times New Roman font.**

14 **Deletions to Codes are in ~~strikethrough italics Times New Roman font.~~**

15 **Board amendment additions are in double-underlined Arial font.**

16 **Board amendment deletions are in ~~strikethrough Arial font.~~**

17 **Asterisks (* * * *) indicate the omission of unchanged Code**

18 **subsections or parts of tables.**

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

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this

22 ordinance comply with the California Environmental Quality Act (California Public Resources

23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

24 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms

25 this determination.

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

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

8 Section 2. The Planning Code is hereby amended by revising Sectional Map ZN07 of
9 the Zoning Map of the City and County of San Francisco as follows:

10 Delete the Upper Market Street Neighborhood Commercial District.

11 Reclassify the following property:

<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District hereby Approved</u>
Block 2623, Lots 006 and 091	Upper Market Street Neighborhood Commercial District	Upper Market Street Neighborhood Commercial Transit District

12
13
14
15
16
17 Section 3. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

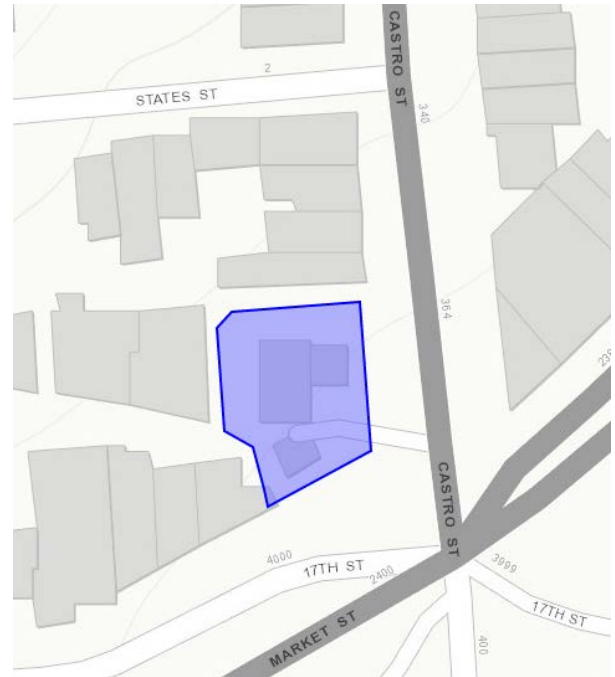

24 JUDITH A. BOYAJIAN
Deputy City Attorney

25 n:\legal\as2016\1600365\01096425.docx

Parcel Map



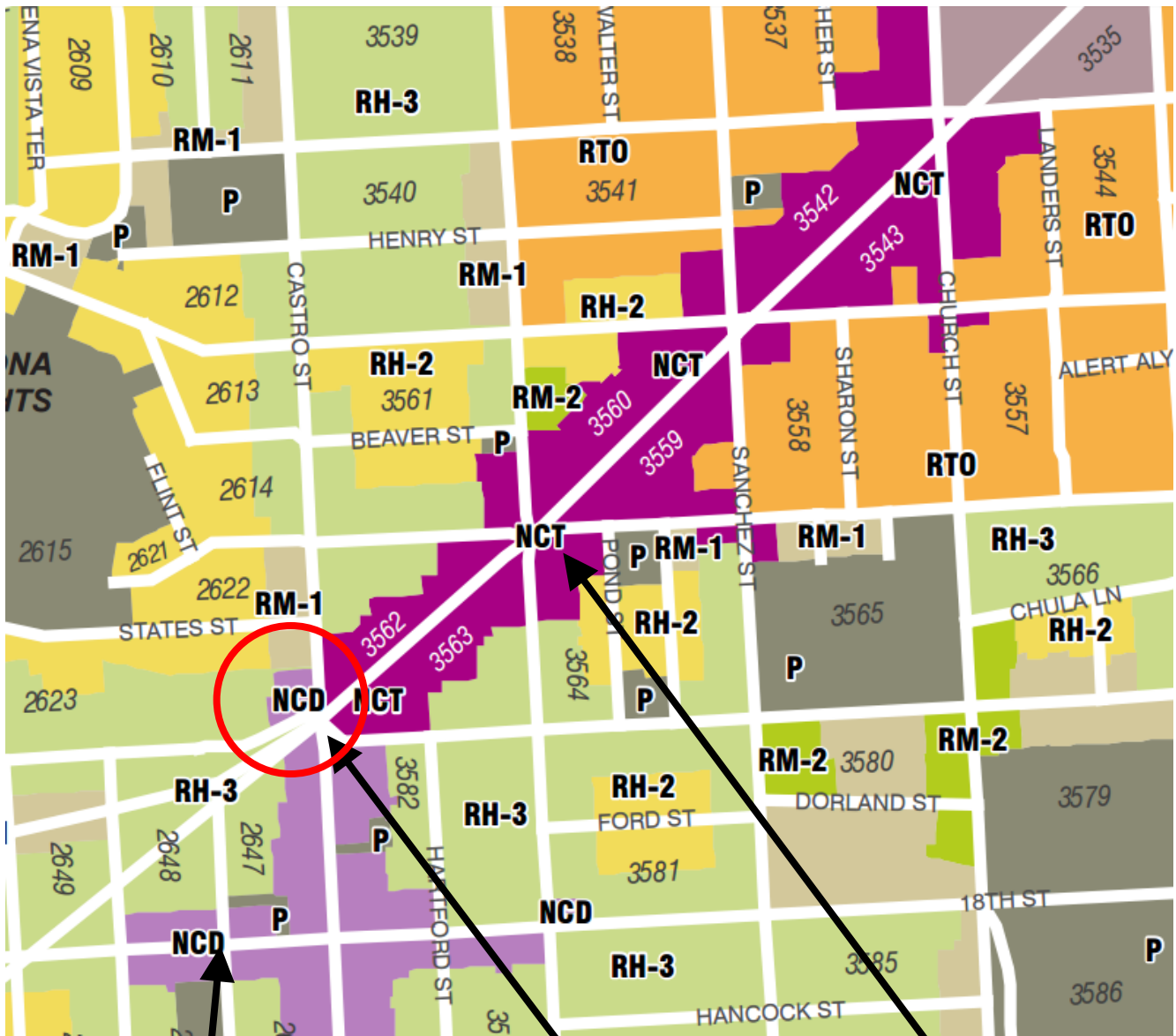
2420 Market Street



376 Castro Street



Zoning Map



Castro NCD

Upper Market NCD/
Subject Properties

Upper Market NCT



Zoning Map Amendment
Case Number 2016-008126MAP
Upper Market NCD

Subject Property



Zoning Map Amendment
Case Number 2016-008126MAP
Upper Market NCD