



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment

HEARING DATE: JUNE 8, 2017

Project Name: **Third Street Formula Retail Restricted Use District**
Case Number: **2017-004521MAP**
Initiated by: John Rahaim, Director of Planning
Staff Contact: Diego R Sánchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Initiate Amendments so that the Commission May Consider Adoption
On or After June 28, 2017**

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

Reception:
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415.558.6377

The action before the Commission is initiation of the Zoning Map 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. This initiation is requested by the Planning Department.

PLANNING CODE AND ZONING MAP AMENDMENT

The proposed Ordinance would amend the Zoning Map to include the parcels located at 5545 Third Street (Block 5419, Lot 006) and 5501 Third Street (Block 5419, Lot 009) in the Third Street Formula Retail Restricted Use District. These parcels were included in Ordinance establishing the Third Street Formula Retail Restricted Use District but were omitted from the inclusion on the Zoning Map.

The Way It Is Now:

The subject properties (5545 Third Street and 5501 Third Street) are not shown on the Zoning Map as being included within the Third Street Formula Retail Restricted Use District.

The Way It Would Be:

The Zoning Map would be amended to show the subject properties within the Third Street Formula Retail Restricted Use District.

BACKGROUND

In 2013 the Third Street Formula Retail Restricted Use District (RUD), sponsored by Supervisor Cohen, became effective.¹ The RUD regulates properties fronting Third Street between Williams Avenue and

¹ BF 130372

<https://sfgov.legistar.com/View.ashx?M=F&ID=2724214&GUID=6CA3A3F5-1690-46E2-B262-11DB5AFB1358>

Paul Street by requiring Conditional Use authorization for Formula Retail uses. These properties are zoned PDR (Production, Distribution and Repair) and M-1 (Light Industrial), which do not typically have Formula Retail controls.

The RUD found that the Third Street corridor is home to a number of businesses, many locally owned, with a particular scale and diverse architecture. These businesses have historically served adjacent ethnic communities as well. This has helped create a neighborhood identity around Third Street.

The RUD also found that new formula retail businesses, if not monitored and regulated, could upset the existing retail base. It posited that formula retail businesses would potentially price out the existing and new independent businesses that lend the corridor its character. Further, the standardized look of formula retail establishments would also detract from the existing character of the community.

In this context, the RUD established formula retail controls for this portion of Third Street because the PDR and M-1 districts do not specifically regulate them. The RUD requires Conditional Use authorization to establish any new formula retail use or for any changes in a formula retail use, such as an intensification or expansion.

ISSUES AND CONSIDERATIONS

When a Restricted Use District is established both the Planning Code and the Zoning Map are amended to reflect the change. The ordinance establishing the new district will list the affected properties. The changes to the Zoning Map to include those properties in the new district stem from that list in the ordinance. The integrity of the City's Zoning Maps therefore depends on accurately reflecting the ordinances that inform them.

When Zoning Maps do not accurately reflect the ordinances informing them, whether by omission or other error, it is imperative that they are corrected. This avoids confusion on the part of Planning Department staff when advising merchants, property owners or community groups about allowed land uses on particular properties. Further, given that the Zoning Maps are publicly accessible over the City's website, it is simply good practice to ensure their accuracy at all times.

RECOMMENDATION

The Department recommends that the Commission recommend approval of the resolution of intent to initiate the Zoning Map amendments so that the Commission may consider adoption on or after June 28, 2017.

BASIS FOR RECOMMENDATION

The Department supports the Ordinance because it corrects an outstanding error on the City's Zoning Map. Making this correction will ensure consistency with the Ordinance establishing the RUD and help the City accurately represent the allowed land uses along the Third Street corridor. It also improves the overall quality of information the City makes publicly accessible.

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.

IMPLEMENTATION

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

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

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

RECOMMENDATION: Initiate Ordinance and schedule adoption hearing on or after June 28, 2017

Attachments:

- Exhibit A: Resolution to initiate the Draft Ordinance
- Exhibit B: Zoning Map SU10
- Exhibit C: Draft Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE JUNE 8, 2017

Project Name: **Third Street Formula Retail Restricted Use District**
Case Number: 2017-004521MAP [Board File No. TBD]
Initiated by: John Rahaim, Director of the Planning Department
Staff Contact: Diego R Sánchez, Legislative Affairs
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Reviewed by: Aaron D Starr, Manager of Legislative Affairs
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Recommendation: **Initiate Amendments so that the Commission May Consider an Adoption Hearing On or After June 28, 2017**

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INITIATING AMENDMENTS TO THE ZONING MAP TO INCLUDE PARCELS LOCATED AT 5545 THIRD STREET AND 5501 THIRD STREET IN THE THIRD STREET FORMULA RETAIL RESTRICTED USE 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, in December 2013 the Third Street Formula Retail Restricted Use District (RUD) became effective; and

WHEREAS, the RUD was created to regulate and monitor the influx of Formula Retail uses establishing along Third Street, from Williams Avenue to Paul Street; and

WHEREAS, the Zoning Map failed to show that the properties at 5545 Third Street (Block 5419, Lot 006) and 5501 Third Street (Block 5419, Lot 009) (collectively Subject Properties) are within the RUD despite their inclusion in the Ordinance establishing the RUD; and

WHEREAS, the proposed Ordinance intends to correct that omission and show on the Zoning Map that the Subject Properties are within the RUD; 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 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 Zoning Map 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 June 28, 2017

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 8, 2017.

Jonas P. Ionin
Commission Secretary

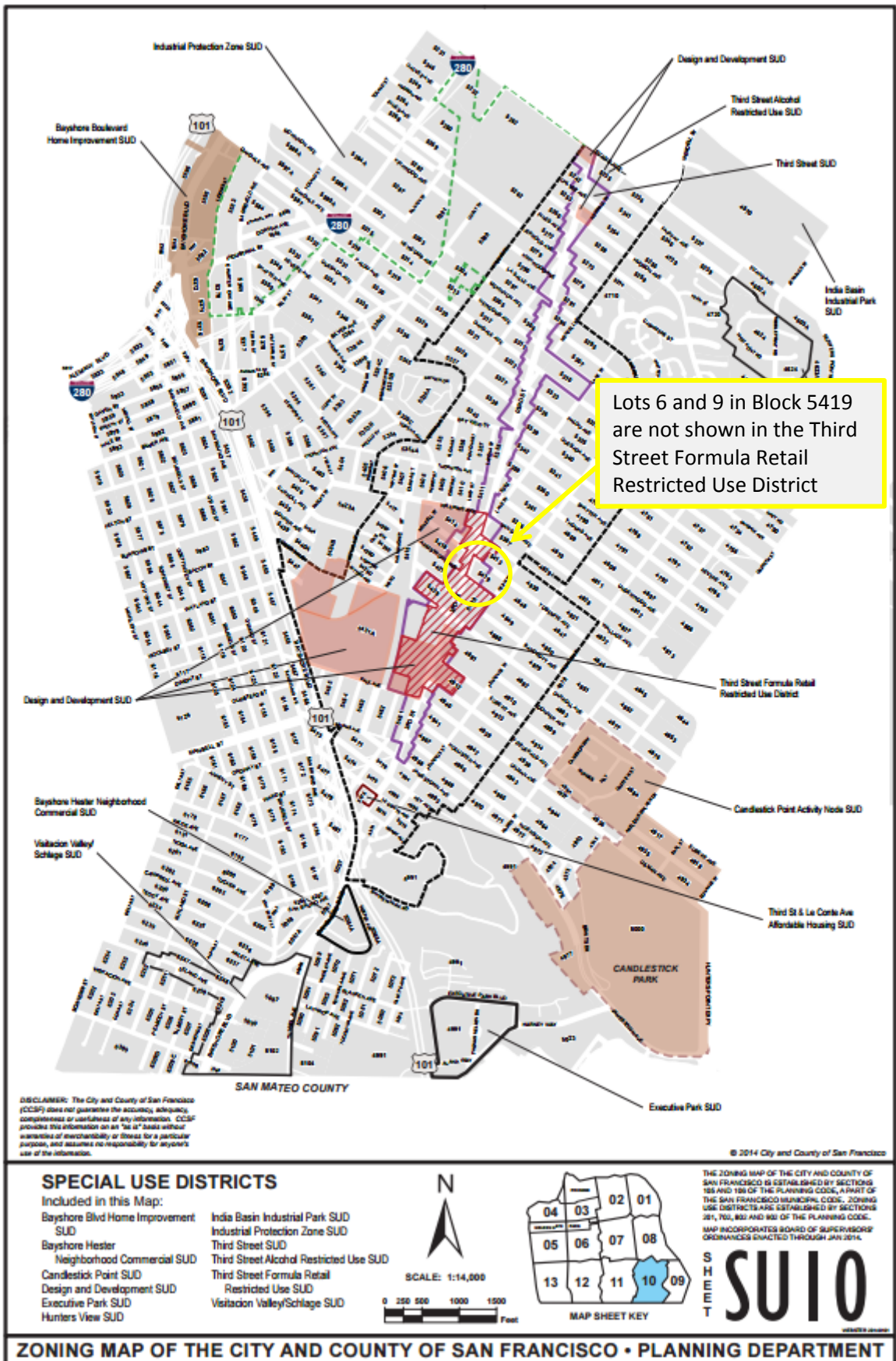
AYES:

NOES:

ABSENT:

ADOPTED: June 8, 2017

EXHIBIT B: ZONING MAP SHEET SU10



1 [Planning Code, Zoning Map Amendment - Third Street Formula Retail Restricted Use
2 District]

3 **Ordinance amending the Planning Code and the Zoning Map to include parcels located**
4 **at 5545 Third Street and 5501 Third Street in the Third Street Formula Retail Restricted**
5 **Use District; and affirming the Planning Department's determination under the**
6 **California Environmental Quality Act; and making Planning Code Section 302 findings**
7 **and findings of consistency with the General Plan and the eight priority policies of**
8 **Planning Code Section 101.1.**

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

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

17 Section 1. Findings

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

23 (b) On _____, the Planning Commission, in Resolution No. _____,
24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
25 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____ and is incorporated herein by reference.

3
4 Section 2. The Planning Code is hereby amended by revising Section Map SU10 of
5 the Zoning Map of the City and County of San Francisco, as follows:

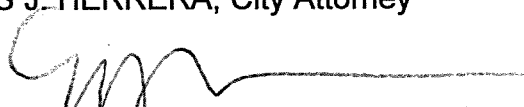
6

Description of Property	Use District Hereby Approved
Assessor's Block 5419, Lots 006 and 009	Third Street Formula Retail Restricted Use District

7
8
9
10
11 Section 3. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 MARLENA BYRNE
Deputy City Attorney

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21
22 Not defined as a project under CEQA
23 Guidelines Sections 15378 and 15060(c)(2)
24 because it does not result in a physical
25 change in the environment.

REVIEWED

By Joy Navarrete at 10:41 am, Apr 28, 2017