



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text & Zoning Map Amendment

HEARING DATE: FEBRUARY 11, 2016

*Project Name:* **Rezoning Noe Valley Town Square**  
*Case Number:* **2016-000568MAP** [Board File No. 160026]  
*Initiated by:* Supervisor Wiener / Introduced January 12, 2016  
*Staff Contact:* Kanishka Karunaratne Burns, Legislative Affairs  
Kanishka.burns@sfgov.org, 415-575-8732  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* **Recommend Approval**

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### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code by revising the Zoning Map to rezone Noe Valley Town Square, 3861–24<sup>th</sup> Street, Assessor's Block No. 6509, Lot No. 040 (Subject Property), from its current designation as 24<sup>th</sup> Street–Noe Valley Neighborhood Commercial District (NCD) and 40-X to Public (P) and Open Space (OS).

#### The Way It Is Now:

The Property located at 3861 – 24<sup>th</sup> Street, Assessor's Block No. 6509, Lot No. 040 is currently zoned 24<sup>th</sup> Street–Noe Valley Neighborhood Commercial District (NCD) and 40-X Height and Bulk District. It is being used as a parking lot and weekly farmer's market.

#### The Way It Would Be:

The Property located at 3861 – 24<sup>th</sup> Street, Assessor's Block No. 6509, Lot No. 040 would be zoned Public (P) and Open Space (OS) Height and Bulk District. The proposed use is public open space and a weekly farmer's market.

### BACKGROUND

In the summer of 2010 the Noe Valley Ministry, owners of the Subject Property at the time, announced their intent to sell the lot. In response, the Residents for Noe Valley Town Square, a 501(c)(3), under fiscal sponsorship of the San Francisco Parks Alliance, formed to advocate for public acquisition of the Property and subsequent conversion from parking lot to public open space. Residents for Noe Valley Town Square worked closely with the Park and Rec Open Space Advisory Committee (PROSAC) to have the Property acquired by the Recreation and Parks Department (RPD). By January 2013 the Property was added to the RPD acquisition roster and the community had raised \$470,000 towards the acquisition.

In June 2013 the Board of Supervisor passed a Resolution No. 171-13 authorizing the acquisition of the Property for park purposes. The Noe Valley Town Square Project (Project) was awarded a Land and Water Conservation Fund Grant from the State of California Department of Parks and Recreation (Board Resolution No. 212-15) in June 2015, a California Natural Resources Agency Grant (Board Resolution No.

512-15) in December 2015 and a San Francisco Parks Alliance Grant (Board Resolution No. 524-15) in December 2015.

## **ISSUES AND CONSIDERATIONS**

### **Funding Source and Timeline**

The Land and Water Conservation Fund Grant stipulates that the parcel may only be used for public outdoor recreation and the San Francisco Parks Alliance Grant requires that park construction be completed by October 2016. In order to ensure that appropriate timelines and funding obligations are met, the Recreation and Parks Department is pursuing permitting under the current zoning while simultaneously pursuing rezoning; therefore, RPD has filed building permits to begin construction on the Project and change the use from Parking Lot to Other Institution, Large – Assembly. A Variance from Planning Code Section 134 is also required under the current zoning designation and is currently under review by the Planning Department.

### **Open Space Needs**

The Recreation and Open Space Element (ROSE) of the General Plan shows the Property within the general vicinity of a “High Needs Area” and specifically within an area that does not meet the quarter mile to a playground walkability standard. These high needs areas are defined as places with low access to open space, a conglomeration of high density, high percentage of children, youth and seniors and low income households (General Plan Policy 2.1). General Plan Policy 2.1 prioritizes the acquisition of open spaces in high needs areas. The ROSE further identifies a need to engage communities in the stewardship of their recreation programs and open spaces (Objective 5). Communities should be engaged in the design, programming and improvement of their local open spaces (Policy 5.1) and the development of community-initiated or supported open spaces should be supported (Policy 5.3). The proposed Ordinance is the result of long time community efforts to convert a parking lot into public open space. While the acquisition of the Property is complete, the proposed Ordinance fulfills the express purpose of the acquisition of the parcel for park purposes and fulfills funding obligations to ensure that the Property is a public open space in perpetuity.

## **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**

The Department supports rezoning 3861-24<sup>th</sup> Street to Public and Open Space because it will allow for the creation of new public open space in accordance with the acquisition purpose, funding obligations and General Plan. The property was acquired for park purposes and the proposed rezoning will ensure that the lot is used for park purposes, as the Public and Open Space designations apply to land that is owned by a governmental agency and in some form of public use, including open space. Open Space Districts are intended to indicate a principal or exclusive purpose of open space, with future development of any character strictly limited. The property is also in the general vicinity of a high needs area and specifically

in an area below the walkability standard for a playground. The park project is community driven and represents broad community input from funding and acquisition to design and programming.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) 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.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval</b>
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### **Attachments:**

Exhibit A: Draft Planning Commission Resolution  
Exhibit B: Maps  
Exhibit C: Board of Supervisors File No. 160026



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

HEARING DATE FEBRUARY 16, 2016

*Project Name:* **Rezoning Noe Valley Town Square**  
*Case Number:* 2016-000568MAP [Board File No. 160026]  
*Initiated by:* Supervisor Wiener / Introduced January 12, 2016  
*Staff Contact:* Kanishka Karunaratne Burns, Legislative Affairs  
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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY REVISING THE ZONING MAP TO REZONE NOE VALLEY TOWN SQUARE, 3861-24<sup>TH</sup> STREET, ASSESSOR'S BLOCK NO. 6509, LOT NO. 040, FROM ITS CURRENT DESIGNATION AS 24<sup>TH</sup> STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT (NCT) AND 40-X TO PUBLIC (P) AND OPEN SPACE (OS); AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS INCLUDING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE SECTION 302, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.**

WHEREAS, on January 12, 2016 Supervisor Wiener introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 160026 which would amend Zoning Map Sheets ZN07 and HT07 of the Planning Code to rezone 3861-24<sup>th</sup> Street, Assessor's Block No. 6509 and Lot No. 040 from 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District and 40-X to Public and Open Space;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 11, 2016; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; 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 the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

## 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. The proposed Ordinance will rezone a parcel that has been acquired by the Recreation and Parks Department for park purposes to be consistent with the intended use of public land to be used for open space.
2. The proposed Ordinance will rezone a parcel to ensure that the permanent use is public open and recreational space in accordance with requirements of grants awarded to the Project.
3. **General Plan Compliance.** The proposed Ordinance are consistent with the following Objectives and Policies of the General Plan:

## RECREATION AND OPEN SPACE ELEMENT

### OBJECTIVE 5

ENGAGE COMMUNITIES IN THE STEWARDSHIP OF THEIR RECRETION PROGRAMS AND OPEN SPACES.

#### Policy 5.1

Engage communities in the design and programming and improvement of their local open spaces, and in the development of recreational programs.

#### Policy 5.3

Facilitate the development of community-initiated or supported open spaces.

#### Policy 5.5

Encourage and foster stewardship of open spaces through well-run, active volunteer programs.

*The proposed Ordinance is the result of community led efforts to acquire and convert a vacant lot into a public open and recreational space. The proposed Ordinance will facilitate the development of a community initiated and supported public open space by ensuring that the parcel meets its acquisition and funding obligations as a public open space.*

## OBJECTIVE 2

SECURE LONG-TERM RESOURCES AND MANAGEMENT FOR OPEN SPACE ACQUISITION AND RENOVATION, OPERATIONS, AND MAINTENANCE OF RECREATIONAL FACILITIES AND OPEN SPACE.

**Policy 6.1**

Pursue and develop innovative long-term funding mechanisms for maintenance, operation, renovation and acquisition of open space and recreation.

*The proposed Ordinance is the result of innovative funding mechanisms including a grassroots fundraising campaign and State and local grants to acquire the property and convert it into a public open space.*

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas and would in fact protect a park from development by rezoning it as open space.*

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 11, 2016.

Jonas P. Ionin  
Commission Secretary

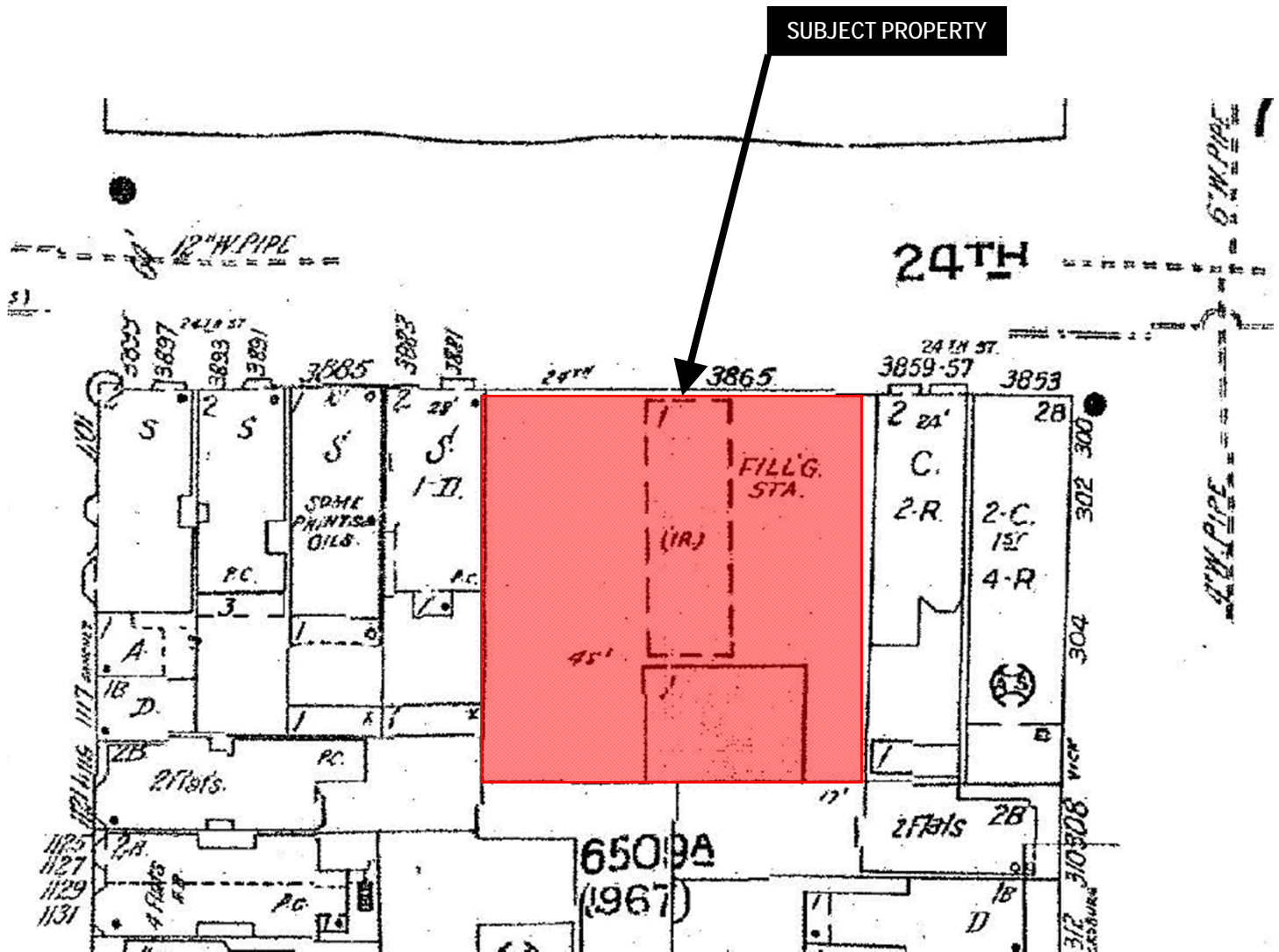
AYES:  
NOES:  
ABSENT:

ADOPTED: February 11, 2016





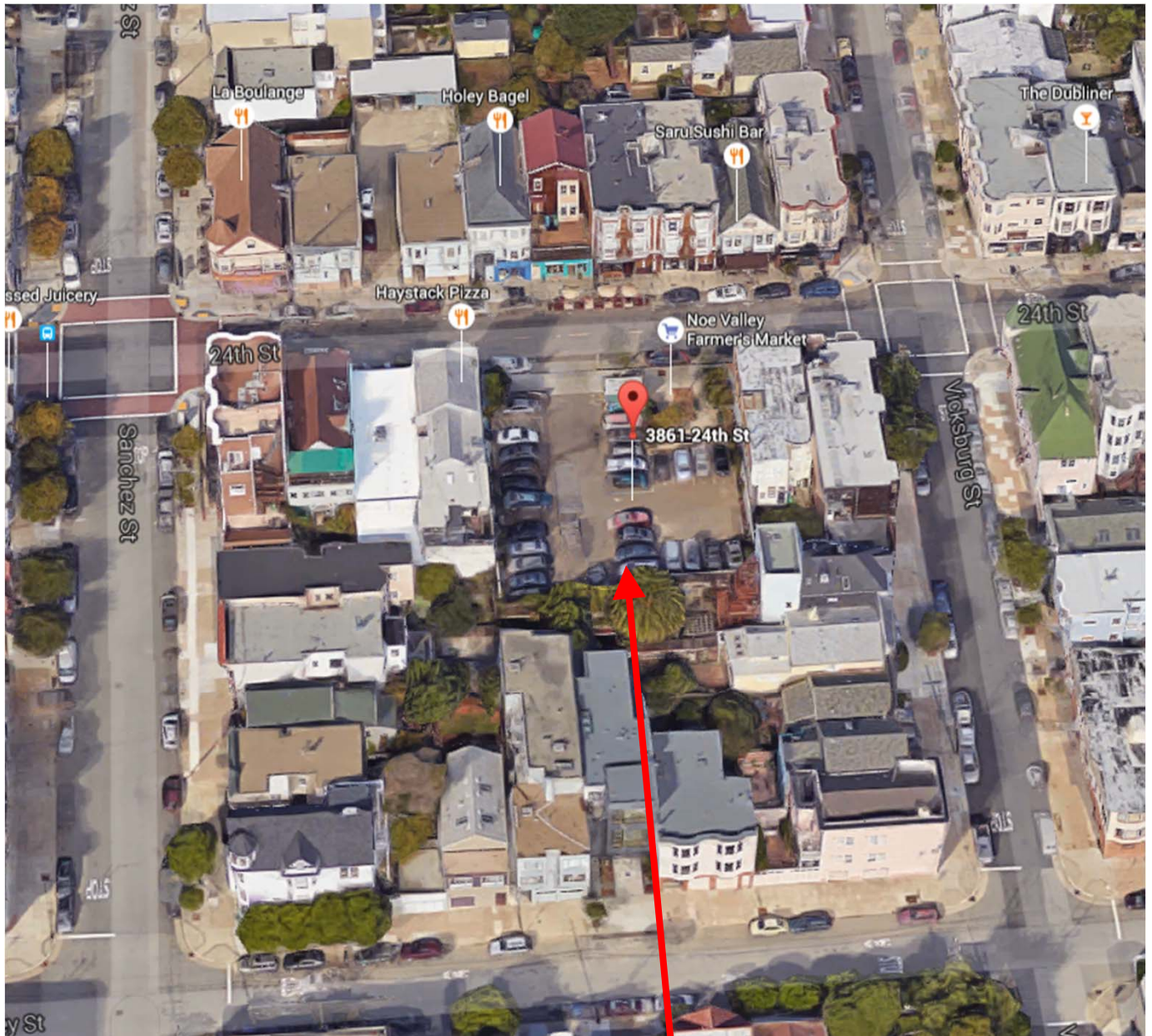
# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



# Aerial Photo



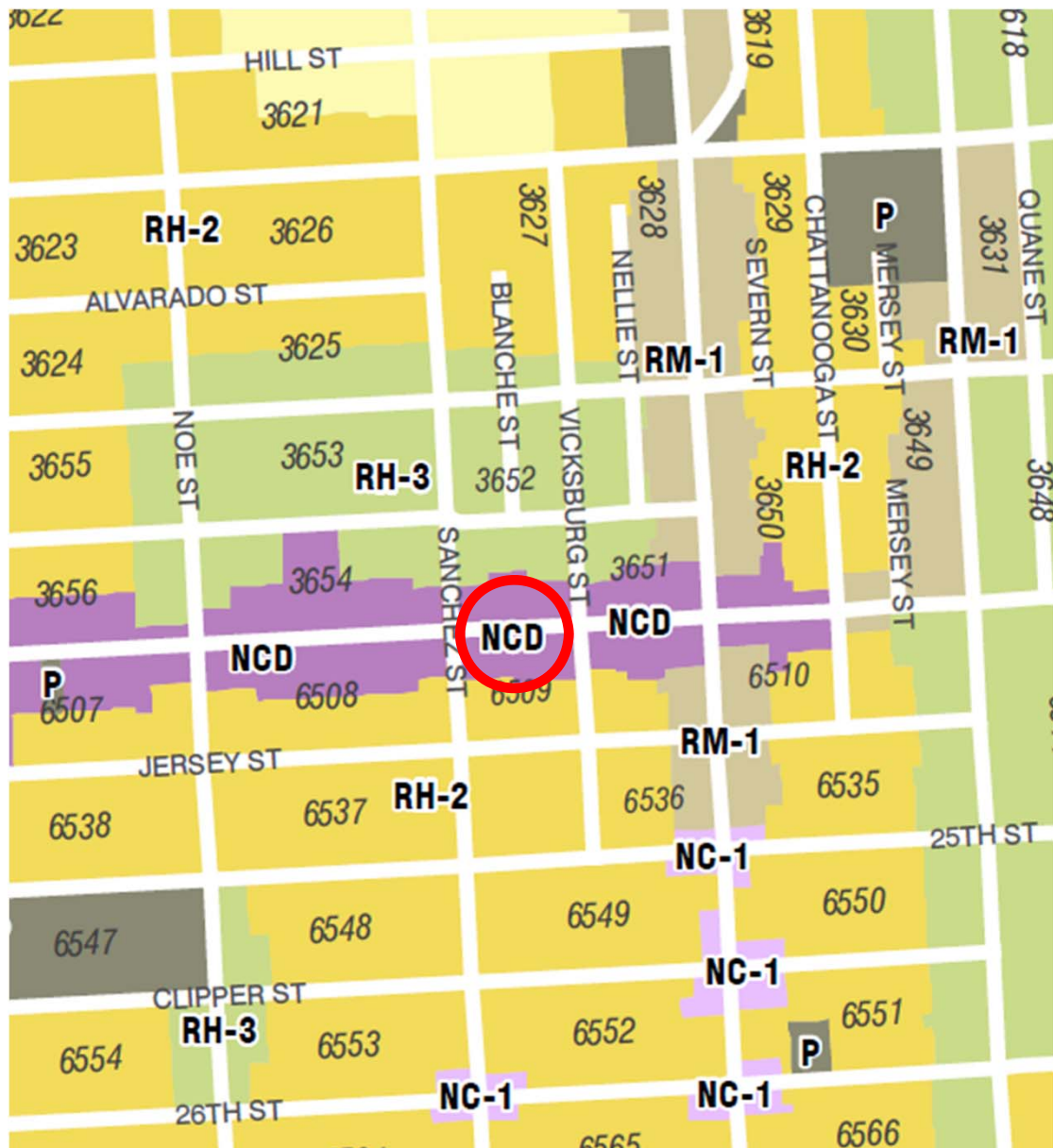
SUBJECT PROPERTY



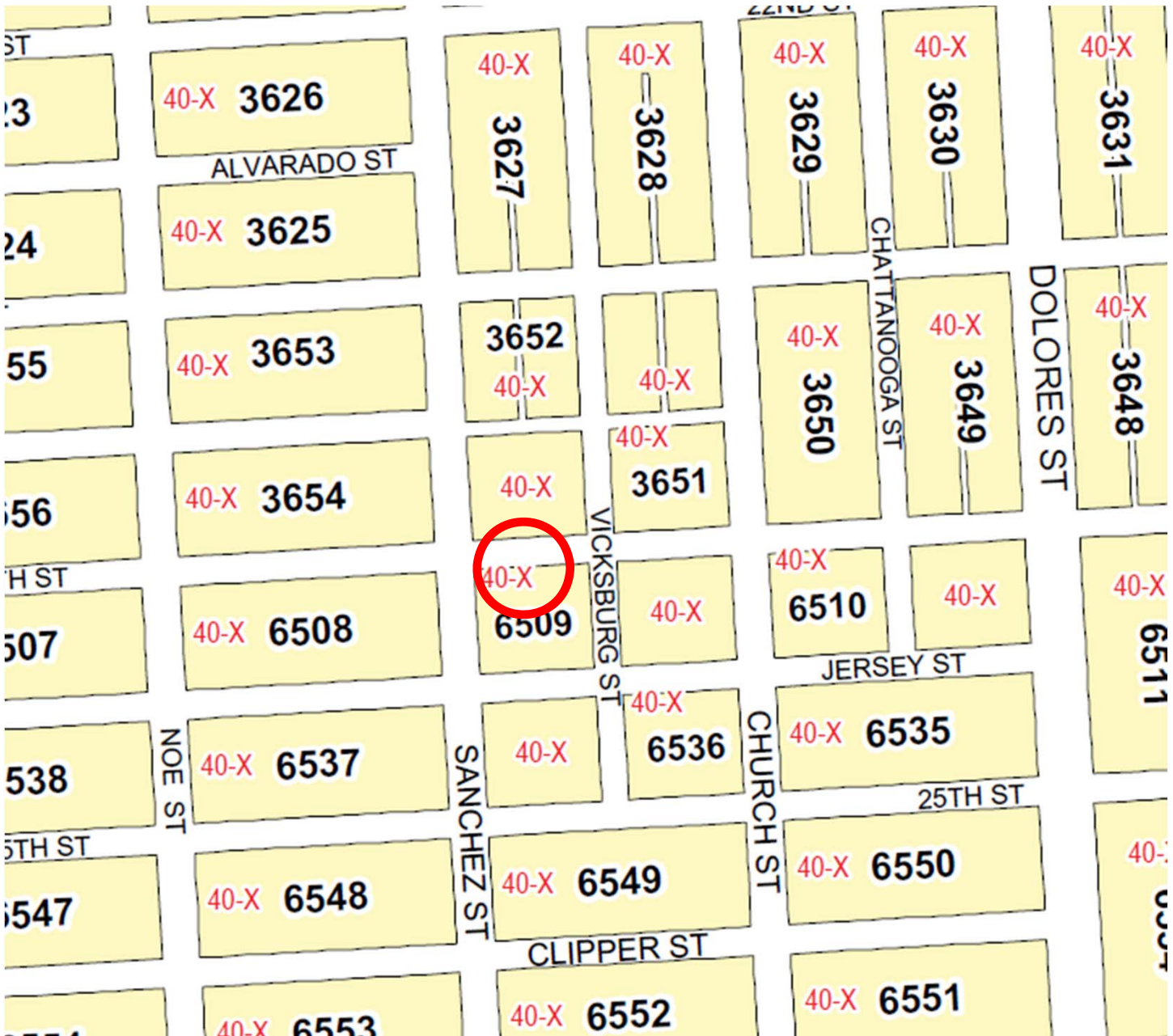
Legislative Amendment  
Case Number 2016-000568MAP  
Rezoning Noe Valley Town Square  
3861-24<sup>th</sup> Street



# Zoning Map



# Height Map



Legislative Amendment  
Case Number 2016-000568MAP  
Rezoning Noe Valley Town Square  
3861-24<sup>th</sup> Street

# Site Photo





## BOARD of SUPERVISORS



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January 20, 2016

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On January 12, 2016, Supervisor Wiener introduced the following proposed legislation:

**File No. 160026**

Ordinance amending the Planning Code, Zoning Map, to rezone Noe Valley Town Square, 3861-24th Street, Assessor's Block No. 6509, Lot No. 040, from its current designation as 24th Street - Noe Valley Neighborhood Commercial District and 40-X to Public (P) and Open Space (OS); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight 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 and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in blue ink that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
Jeanie Poling, Environmental Planning  
Joy Navarrete, Environmental Planning

[Planning Code, Zoning Map - Rezoning Noe Valley Town Square]

**Ordinance amending the Planning Code by revising the Zoning Map to rezone Noe Valley Town Square, 3861-24th Street, Assessor's Block No. 6509, Lot No. 040, from its current designation as 24th Street - Noe Valley Neighborhood Commercial District and 40-X to Public (P) and Open Space (OS); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

Section 1. Findings.

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

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

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

3 (c) Under Planning Code Section 302, the Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
5 Planning Commission Resolution No. \_\_\_\_\_ recommending the approval of this Zoning  
6 Map Amendment, and incorporates such reasons by this reference thereto. A copy of said  
7 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

8  
9 Section 2. The Planning Code is hereby amended by revising Sheet ZN07 of the  
10 Zoning Map, as follows:

11

Block	Lot	To Be Superseded	Hereby Approved
6509	040	24th Street-Noe Valley Neighborhood Commercial District	P (Public)

16  
17 Section 3. The Planning Code is hereby amended by revising Sheet HT07 of the  
18 Zoning Map, as follows:

19

Block	Lot	To Be Superseded	Hereby Approved
6509	040	40-X	OS (Open Space)

23

24 Section 4. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the



1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

7   
8 ANDREA RUIZ-ESQUIDE  
9 Deputy City Attorney

10 n:\land\as2016\9890542\01073218.doc