



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18550

HEARING DATE: FEBRUARY 23, 2012

Project Name: **Amendments relating Automobile Sale and Rental in NC-S Zoning Districts**

Case Number: 2012.0017T [Board File No. 11-1315]

Initiated by: Supervisor Elsbernd/ Introduced December 6, 2011

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Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 713.61 TO ALLOW AN AUTOMOBILE SALE OR RENTAL USE IN NEIGHBORHOOD COMMERCIAL SHOPPING CENTER (NC-S) DISTRICTS AS A CONDITIONAL USE.

PREAMBLE

Whereas, on December 6, 2011, Supervisor Elsbernd introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-1315, which would amend San Francisco Planning Code, Section 713.61 to allow an automobile sale or rental use in NC-S (Neighborhood Commercial Shopping Center) Districts as a conditional use;

Whereas on December 21, 2011, the Clerk of the Board transmitted the proposed Ordinance, File Number 11-1315, to the Planning Department; and,

Whereas, on February 23, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) & 15378 ; 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 the applicant, 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 the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

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. Because NC-S Districts typically include large surface parking lots and focus on car-oriented shoppers, the Commission finds that auto sales and rental is a compatible use within NC-S Districts.
2. Not every NC-S District or property is suitable for automobile sales or rental, which is why requiring Conditional Use authorization for this use is essential to ensuring that each proposal is considered on a case-by-case basis.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed ordinance would help strengthen the vitality of NC-S Districts by allowing more diversity in the types of services and goods offered in the district. Allowing car sales or rental could also foster small business enterprise and entrepreneurship by making it possible for an entrepreneur to develop a business model for car sales or rental that is uniquely suited to NC-S zoning, and which does not currently exist in the City.

4. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance will allow for greater diversity of uses in NC-S Zoning Districts that are also compatible with the NC-S Zoning Districts. Allowing for a greater diversity of uses will strengthen the viability of the districts and help preserve and enhance neighborhood-serving retail uses as well as create opportunities for employment in or ownership of such businesses in NC-S Districts.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

While housing is permitted in NC-S Districts, it is not typically found there. The proposed legislation requires the Planning Commission to review each proposed automobile sales and rental use on a case-by-case basis through the Conditional Use process. This will help ensure that neighborhood character is conserved and protected.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 23, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Moore, Sugaya, Antonini, Fong, Miguel, Borden, Wu

NAYS: None

ABSENT: None

ADOPTED: February 23, 2012