



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: JUNE 28, 2012

Project Name: **Mechanical Car Wash Facilities on 19th Avenue**
Case Number: 2012.0665T [Board File No. 12-0353]
Initiated by: Supervisors Olague, Chu and Elsbernd
Introduced on: April 10, 2012
Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code by adding Section 187.2 to permit existing automotive service stations and automotive gas station located on 19th Avenue to provide a mechanical car washes on the same site; making environmental findings and findings of consistency with the General Plan.

The Way It Is Now:

Most of the properties along 19th Avenue are zoned for residential uses. The primary zoning districts include: Residential, Single Family (RH-1) and Residential, Two Family (RH-2). Some properties are zoned Residential Mixed, Low Density (RM-1) and Residential Mixed, Moderate Density (RM-2). There are some neighborhood shopping districts scattered on 19th Avenue such as Neighborhood Commercial Cluster Districts (NC-1), Small Scale Districts (NC-2) and the Inner Sunset Neighborhood Commercial District (Inner Sunset NCD) that cross and run perpendicular to 19th Avenue. In general, commercial uses are prohibited in Residential Districts; this includes Automotive Service Stations¹ and Automotive Washes (aka car washes). Automotive Service Stations and Automotive Washes that already exist in these districts are considered nonconforming uses. Automotive Washes are also prohibited in NC-1 and NC-2 Districts. There are no zoning districts within the western part of the city south of Golden Gate Park that permit Automotive Washes.

Per Section 187.1 of the Planning Code, Automotive Service Stations in Residential Districts may enlarge or intensify with Conditional Use authorization. However, because Automotive Washes and Automotive Service Stations are considered two separate uses in the Planning Code, establishing an Automotive Wash in conjunction with an existing Automotive Service Station is not an expansion of the use, but rather the

¹ The Planning Code makes a distinction between Automotive Service Stations and Automotive Gas Stations. Automotive Service Stations include car repair services and dispensing gasoline, while Automotive Gas Stations only dispenses gasoline. For ease of reading within this report Automotive Service Stations refers to both Automotive Service Stations and Automotive Gas Stations.

establishment of a new use. Therefore, existing Automotive Service Stations are generally considered nonconforming uses and therefore cannot add an Automotive Wash either by right or with a Conditional Use authorization.

The Way It Would Be:

The proposed Ordinance would add Planning Code Section 182.2, which would allow existing Automotive Service Stations located on 19th Avenue from Lincoln Avenue to Junipero Serra Boulevard to provide a mechanical Automotive Wash on the same site with Conditional Use authorization with the following restrictions:

1. A vehicle storage and standing area is provided on the premises outside the washing facility of sufficient size to accommodate at least one-quarter of the hourly capacity in vehicles of the facility.
2. Noise from the facility complies with Article 29 of the San Francisco Police Code and in no event shall noise from mechanical equipment exceed 65 dBA, as defined in Article 29, from 7:00 am to 10:00 pm, or 60 dBA from 10:00 pm to 7:00 AM, when measured at any location adjoining residential property.
3. Automobile washing and drying occurs entirely within an enclosed building.
4. Water use and reclamation meets criteria established by the Zoning Administrator in consultation with staff from the SF Public Utilities Commission.
5. A traffic study demonstrates that the operation will not cause a new significant impact on traffic on adjacent streets.
6. The facility is located on a lot equal to or greater than 12,000 sq. ft.

ISSUES AND CONSIDERATIONS

Existing Gas Stations on 19th Avenue

Of the 12 Automobile Service Stations that are location on 19th Avenue from Lincoln Avenue to Junipero Serra Boulevard, only four meet the size requirements identified in the proposed legislation (Exhibit C). One is located at the corner of Lincoln Way and 19th Avenue within an RM-2 zoning district, one is located at the corner of Irving Street and 19th Avenue within the Inner Sunset NCD, one is located at the corner of Taraval and 19th Avenue within the NC-2 Zoning District, and one is located at the intersection of 19th Avenue and Junipero Serra Boulevard within the NC-1 Zoning District. See attached map.

RM-2 and NC-1 Districts

RM-2 Districts are intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings. These districts may include buildings with a range of densities and forms. These districts provide unit sizes and types suitable for a variety of households, and contain supporting nonresidential uses. Planning Code Section 202 (c) states that “no use shall be permitted in any R (Residential) District...which by reason of its nature or manner of operation creates conditions that are hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise”. In recognition of these goals, only a few nonresidential uses are permitted in this residential district. To be permitted here, nonresidential uses must be compatible with housing; meet the needs of residents; and contribute to the livability of the residential area. Nonresidential uses permitted in R Districts include uses like schools, churches, assisted living facilities and small corner grocery stores.

NC-1 Districts are typically concentrated at intersections and provide corner retail. This is different than the other NC districts which are typically linear. NC-1 districts are intended to serve as local neighborhood shopping nodes, providing convenience retail goods and services for the immediately surrounding residents-- primarily during daytime hours. NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales, provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts.

Inner Sunset NCD and NC-2 Districts

The **Inner Sunset NCD**, which is bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west, is essentially a named **NC-2 District**. NC-2 Districts are intended to serve as the City's Small-Scale Neighborhood Commercial District. They are linear shopping streets that provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. Both the Inner Sunset NCD and NC-2 Districts prohibit Automotive Washes and require Conditional Use authorization for other auto oriented uses such as Automotive Service Stations. Limits on drive-up facilities, and other automobile uses are intended to protect the livability within and around the district, and promote continuous retail frontage.

Nonconforming Uses

The Planning Code seeks to phase out nonconforming uses over time so that zoning districts correspond to their stated intention. To achieve this, Planning Code Section 181 states that "a nonconforming use, and any structure occupied by such use, shall not be enlarged, intensified, extended, or moved to another location...unless the result will be elimination of the nonconforming use." In 1990, the Board of Supervisors adopted ordinance 362-90, which added Planning Code section 187.1. This section provides a narrow exception to Planning Code Section 181 by allowing existing Automotive Service Stations in Residential Districts to enlarge or intensify. The Board's intention in adopting Ordinance 362-90 was to recognize the importance of Automobile Service Stations to the City residents and visitors and to encourage their continued operation in Residential Districts.²

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 with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

The proposed modifications include:

- Do not add Section 187.2 to the Planning Code, which would allow automotive washes with existing Automotive Service Stations along 19th Avenue. Instead, change the zoning controls for the Inner Sunset NCD and the pending named NCDs in the Outer Sunset so that Automotive

² Please see exhibit D for a copy of Ordinance 362-90.

Washes are permitted in conjunction with existing Automotive Service Station with Conditional Use authorization.

BASIS FOR RECOMMENDATION

The Department is recommending that the Commission recommend modifications to the proposed Ordinance because we do not find that Automotive Washes are an appropriate use that fits within the stated indent of RM-2 Districts or NC-1 Districts. Allowing Automotive Service Stations to expand in this manner will negatively impact the quality of life for adjacent neighbors by bringing added congestion, noise, and fumes.

The Department recognizes that there are no commercial areas along 19th Avenue that currently allow Automobile Washes. However, the Planning Commission recently voted to create named Neighborhood Commercial Districts³ in the Outer Sunset District. Some or all of these new zoning districts and the Inner Sunset District NCD can be amended so that Automobile Washes could be added to existing Automotive Service Stations with Conditional Use authorization. Doing this would locate Automobile Washes within districts that allow more intensive commercial uses than either the residential RM district or the NC-1 district, which is the least intensive NC district in San Francisco.

The Department recognizes the importance of Automotive Service Stations in Residential Districts; while they may not be compatible with housing, they do contribute to the livability of residential areas by providing a service that is essential to many San Franciscan's day to day activities. The Board of Supervisors recognized this when they added Section 187.1 to the Planning Code. However, the Department does not find that Automobile Washes are an essential service and that the negative effects that Automobile Washes could have on adjacent residential buildings outweighs the convenience.

The proposed Ordinance attempts to address the noise and traffic effects that may be caused by the proposed use; however some increase in noise and congestion are unavoidable when an auto-oriented use is introduced. Noise and exhaust from increased traffic and potential pedestrian and car conflicts are not taken into account. Further, establishing an Automobile Wash does not meet the threshold used by the Department's Environmental Division for requiring a traffic study. The Department is concerned that by requiring a traffic study for this use, as is proposed by the Ordinance, may set a precedent for other uses or proposals that do not currently require a traffic study.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments on the proposed Ordinance from members of the public.

| | |
|------------------------|--|
| RECOMMENDATION: | Recommendation of Approval with Modifications |
|------------------------|--|

³ Ordinance 12-0241. Currently pending at the Board of Supervisors.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 12-0353
- Exhibit C: Map showing eligible gas stations
- Exhibit D: Ordinance 362-90



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: JUNE 28, 2012

Project Name: **Mechanical Car Wash Facilities on 19th Avenue**
Case Number: 2012.0665T [Board File No. 12-0353]
Initiated by: Supervisors Olague, Chu and Elsbernd
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RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY ADDING SECTION 187.2 TO PERMIT EXISTING AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE GAS STATION LOCATED ON 19TH AVENUE TO PROVIDE A MECHANICAL CAR WASHES ON THE SAME SITE; MAKING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN.

PREAMBLE

Whereas, on April 10, 2012, Supervisor Olague introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0353 which amend the San Francisco Planning Code by adding Section 187.2 to permit existing automotive service stations and automotive gas station located on 19th Avenue to provide a mechanical car washes on the same site; and make environmental findings and findings of consistency with the General Plan; and

Whereas, on June 28, 2012, 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); 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; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval with modifications of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

- Do not add Section 187.2 to the Planning Code, which would allow automotive washes with existing Automotive Service Stations along 19th Avenue. Instead, change the zoning controls for the Inner Sunset NCD and the pending named NCDs in the Outer Sunset (BF 12-0241) so that Automotive Washes are permitted in conjunction with existing Automotive Service Station with Conditional Use authorization.

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. As drafted, the proposed Ordinance would allow Automotive Washes in Residential and Neighborhood Commercial Cluster Districts. Automotive Washes are not an appropriate use that fits within the stated indent of these zoning districts. Allowing Automotive Service Stations to expand in this manner will negatively impact the quality of life for adjacent neighbors by bringing added congestion, noise, and fumes.
2. If Automobile Washes is a desired use in this area of the City, zoning controls should be amended to allow them within districts that allow for more intensive commercial uses than Residential and Neighborhood Commercial Cluster (NC-1) Districts, which is the least intensive Neighborhood Commercial District in San Francisco.
3. Automobile Washes are not an essential service and the negative effects that Automobile Washes could have on adjacent residential buildings outweighs the convenience of providing them in Residential Districts.
4. Requiring a traffic study for this Automotive Washes, as is proposed by the Ordinance, may set a precedent for other uses or proposals that do not currently require a traffic study.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

As amended by the Planning Commission, the proposed Ordinance would avoid placing an auto oriented commercial use with undesirable consequences in Residential and Neighborhood Commercial Cluster Districts.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

As amended by the Planning Commission, the proposed Ordinance would locate Automotive Washes in zoning districts that are more conducive to Automotive Washes than Residential or Neighborhood Commercial Cluster (NC-1) Districts.

6. 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:

As amended by the Planning Commission, the proposed Ordinance would not have a negative impact on existing neighborhood serving retail uses. Only existing Automotive Service Stations would be allowed to have Automotive Washes.

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

As amended by the Planning Commission, the proposed Ordinance would not negatively impact existing housing or neighborhood character; Automotive Washes would not be allowed in Residential or Neighborhood Commercial Cluster Districts, but would be allowed in conjunction with existing Automobile Service Stations in a named NC-2 district, which is a more appropriate zoning district for this type of use.

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 Ordinance. 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 Ordinance. 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 June 28, 2012.

Linda Avery
Commission Secretary

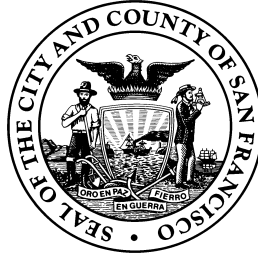
AYES:

NAYS:

ABSENT:

ADOPTED: June 28, 2012

BOARD of SUPERVISORS



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April 16, 2012

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

April 10, 2012, Supervisor Olague introduced the following proposed legislation:

File No. 120353

Ordinance amending the San Francisco Planning Code by adding Section 187.2 to permit existing gasoline and service stations located on 19th Avenue to provide a mechanical car wash on the same site; making environmental findings and findings of consistency with the General Plan.

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 & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Monica Pereira, Environmental Planning
- Joy Navarrete, Environmental Planning

1 [Planning Code - Mechanical Car Wash Facilities on 19th Avenue]

2
3 **Ordinance amending the San Francisco Planning Code by adding Section 187.2 to**
4 **permit existing gasoline and service stations located on 19th Avenue to provide a**
5 **mechanical car wash on the same site; making environmental findings and findings**
6 **of consistency with the General Plan.**

7 NOTE: Additions are single-underline italics Times New Roman;
8 deletions are ~~strike-through italics Times New Roman~~.
9 Board amendment additions are double-underlined;
10 Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Findings. The Planning Department has determined that the actions
13 contemplated in this ordinance comply with the California Environmental Quality Act
14 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
15 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
16 reference. This ordinance is consistent with the General Plan and Priority Policies of
17 Section 101.1(b) of the Planning Code for the reasons set forth in the Planning Commission
18 Resolution No. _____ and the Board incorporates said Resolution herein by
19 reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in
20 File No. _____. Pursuant to Planning Code Section 302, this Board of Supervisors
21 finds that this Ordinance will serve the public necessity, convenience and welfare for the
22 reasons set forth in Planning Commission Resolution No. _____ and incorporates
23 said Resolution herein by reference. A copy of said resolution is on file with the Clerk of the
24 Board of Supervisors in File No. _____.

1 Section 2. The San Francisco Planning Code is hereby amended by adding Section
2 187.2, to read as follows:

3 (a) As used in this Section, "automotive service station" and "gasoline station" shall mean an
4 establishment that sells and dispenses gasoline and other motor fuels and lubricating fluids directly
5 into motor vehicles and which may, in addition, provide the types of services specified in Section
6 223(f) and 223 (g) of this Code; provided that the limitation on automobile washing and polishing
7 contained in Section 223(f)(6) shall not be interpreted as limitation on the addition of a mechanical
8 car wash as provided in this Section 187.2.

9 (b) As used in this Section, "mechanical car wash" shall mean an automotive was facility,
10 including the use of any mechanical cleaning devices, the use of any mechanical conveyor blower
11 device, or steam cleaning device, and may include washing and polishing performed by hand.

12 (c) Notwithstanding any other provision of this Code, a mechanical car wash is permitted as
13 a conditional use under Section 303 of this Code on the same premises as an automotive service
14 station or gasoline station, existing on the effective date of this Ordinance, and located on Nineteenth
15 Avenue, starting at Lincoln Way and continuing south on Nineteenth Avenue to the southerly portion
16 of Nineteenth Avenue to the intersection with Junipero Serra Boulevard, continuing south along
17 Junipero Serra Boulevard to the southern boundary of the City and County of San Francisco, and
18 provided:

19 (1) A vehicle storage and standing area is provided on the premises outside the washing
20 facilities of sufficient size to accommodate at least one-quarter of the hourly capacity in vehicles of
21 the facility;

22 (2) Noise from the facility complies with Article 29 of the San Francisco Police Code and in
23 no event shall noise from mechanical equipment exceed 65 dBA, as defined in Article 29, from 7:00
24 am to 10:00 pm, or 60 dBA from 10:00 pm to 7:00 am, when measured at any location on adjoining
25 residential property.

1 (3) Automobile washing and drying occurs entirely within an enclosed building.

2 (4) Water use and reclamation meets criteria established by the Zoning Administrator in
3 consultation with staff from the San Francisco Public Utilities Commission.

4 (5) A traffic study demonstrates that the operation will not cause a new significant impact on
5 traffic on adjacent streets.

6 (6) The facility is located on a lot equal to or greater than 12,000 square foot.

7 Section 3. Effective date. This ordinance shall become effective 30 days from the
8 date of passage.

9 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends
10 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
11 punctuation, charts, diagrams, or any other constituent part of the Planning Code
12 that are explicitly shown in this legislation as additions , deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears
14 under the official title of the legislation.

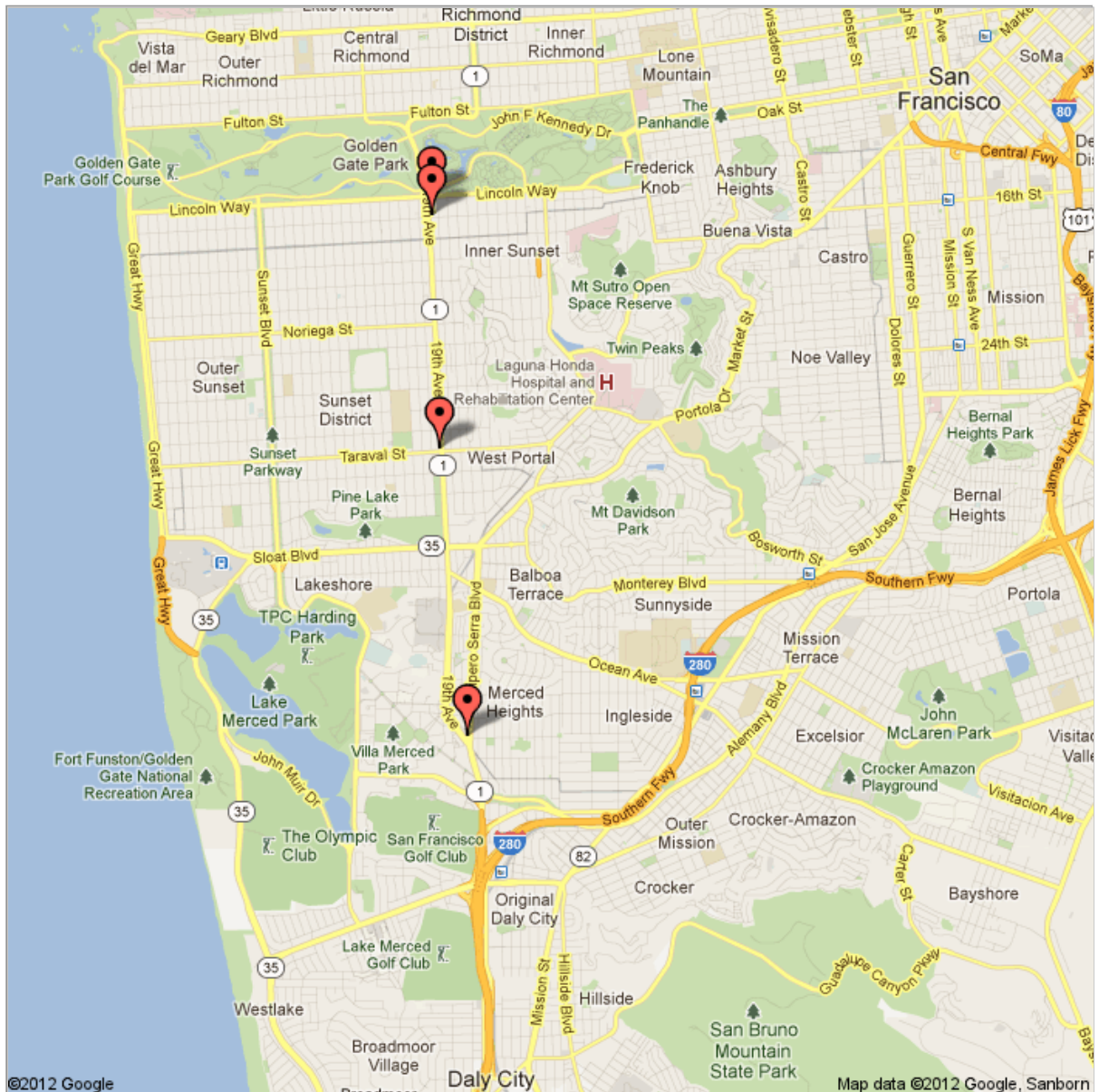
15 APPROVED AS TO FORM:

16 DENNIS J. HERRERA, City Attorney

17
18 By: 
19 ELAINE CASEY WARREN
20 Deputy City Attorney

Exhibit C

Eligible Automobile Service Stations



- Shell Station, 1200 19th Avenue
- Chevron, 1288 19th Avenue
- Shell, 2399 19th Avenue
- Chevron, 1101 Junipero Serra Blvd.

Exhibit D

FILE NO. 115-90-5

ORDINANCE NO. 362-90

1 [Service Stations]

2 AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE
3 (PLANNING CODE) BY ADDING SECTION 187-1 THERETO, TO PROVIDE THAT
4 CERTAIN SERVICE STATIONS IN RESIDENTIAL DISTRICTS MAY CONTINUE AS
5 LEGAL NONCONFORMING USES AND PROVIDING FOR THE ISSUANCE OF
6 AUTHORIZATIONS
7 CONDITIONAL USE/~~PERMITS~~ FOR EXPANSION OR INTENSIFICATION OF SERVICE
8 STATION OPERATIONS.

9 Note: This entire section is new.

10
11 Be it ordained by the People of the City and County of San Francisco:

12
13 Section 1. Findings.

14 The Board of Supervisors hereby finds as follows:

15 (a) Gasoline service stations provide important services to
16 San Francisco residents and those visiting the City.

17 (b) In recent years, there has been a significant reduction
18 in the number of gasoline service stations in San Francisco,
19 particularly in residential areas.

20 (c) To encourage the continued operation of gasoline service
21 stations in residential areas of San Francisco, the Board hereby
22 adopts the following changes to the San Francisco Planning Code.

23 Section 2. Part II, Chapter II of the San Francisco Municipal
24 Code (Planning Code) is hereby amended by adding Section 187-1
25 thereto, to read as follows:

26 SEC. 187-1. SERVICE STATIONS AND GASOLINE STATIONS AS LEGAL
27 NONCONFORMING USES.

28 (a) As used in this section, "automotive service station"
29 shall mean an establishment that sells and dispenses gasoline and
30 other motor fuels and lubricating fluids directly into motor

SUPERVISORS HALLINAN, WALKER

PAGE NO. 1

BOARD OF SUPERVISORS


1 vehicles and which may, in addition, provide the types of services
2 specified in Section 223(f) and 223(g) of this code.

3 (b) Notwithstanding any other provision of this code, an
4 automotive service station located in an R district, and having
5 legal nonconforming use status under the provisions of this code on
6 January 1, 1980, shall be regarded as a legal nonconforming use so
7 long as the station continues to sell and dispense gasoline and
8 other motor fuels and lubricating fluids directly into motor
9 vehicles.

10 (c) An automotive service station regarded as a legal
11 nonconforming use under subsection (b) of this section may enlarge
12 or intensify its current service station operations provided the
13 station receives conditional use approval for such enlargement or
14 intensification under Section 303 of this Code. Conditional use
15 authorizations ~~permits~~ issued pursuant to this section shall not contain
16 termination dates.

17 APPROVED AS TO FORM:

18 LOUISE H. RENNE
19 City Attorney

20
21 By: 
22 Deputy City Attorney

23 7443g

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27
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29
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SUPERVISORS HALLINAN, WALKER

PAGE NO 2

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

October 22, 1990

Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hongisto Hsieh
Maher Nelder Walker Ward

Absent: Supervisors Kennedy

§ Finally Passed

§ October 29, 1990

§ Ayes: Supervisors Alioto Britt
§ Gonzalez Hallinan Hsieh Kennedy
§ Maher Nelder Walker

§ Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

File No.
115-90-5

NOV 06 '90

Date Approved

John H. Taylor

Clerk

[Signature]

Mayor