



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: MAY 1, 2014

Date: April 24, 2014
Project Name: **Amendments Relating to Provisions in P (Public) Zoned Districts**
Case Number: 2014.0180T [Board File No. 140062]
Initiated by: Mayor Edwin Lee/ Introduced January 28, 2014
Staff Contact: Aaron Starr, Legislative Affairs
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Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
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Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

This ordinance is part of the SF Plaza Program, a joint effort of the Office of Economic and Workforce Development (OEWD), the Department of Public Works (DPW) and the Real Estate Division (RED) that will enable the City to partner with community “stewards” to help activate and maintain public plazas. The program will enable plaza “stewards”, in the form of nonprofit organizations, to activate and program events. Revenue received from these activities can only be used to support the activation, management and maintenance of the plaza. The Planning Code amendments proposed in this ordinance are limited to uses that are permitted or conditionally permitted in P (Public Use) zoned districts, with a particular focus on Accessory Uses, and Temporary Uses. In addition to the Planning Code changes, the Administration Code, Public Works Code and Police Code are also being amended for the SF Plaza Program.

The Way It Is Now:

1. Accessory Uses are defined in Planning Code Section 204 as “a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use...” Beyond being found in conformity with the General Plan, there is currently no specific limit to the permitted size of an Accessory Use.
2. P Districts apply to land that is owned by a governmental agency and in some form of public use, including open space. As such, principally permitted uses in P Districts include:
 - a) Structures and uses of governmental agencies not subject to regulation by the Planning Code.
 - b) Public structures and uses of the City, and of other governmental agencies that are subject to regulation by the Planning Code.
 - c) Neighborhood Agriculture that complies with the performance and operational standards found in the Planning Code.

- d) Accessory non-public uses that are in conformance with the General Plan; unless that use is prohibited or requires conditional use (hereinafter CU) authorization within a NC-1, Individual Area Neighborhood Commercial District, or Restricted Use Subdistrict located within ¼ mile of the P zoned lot.
3. Conditionally Permitted Uses include:
- a) Social service uses, child-care facilities, schools, churches, community clubhouses, recreational areas, open space for passive recreation, utility installations and internet service exchanges;
 - b) Neighborhood Agriculture if it does not comply with the performance and operational standards found in the Planning Code, and Large Scale Urban Agriculture;
 - c) Parking when located within the right-of-way of any State or federal highway and adjacent to any Eastern Neighborhoods Mixed Use District, South of Market Mixed Use District or the Market Octavia Plan Area.
 - d) Retail or personal service uses primarily meeting the needs of commuters on nearby street and highways when located within the right-of-way of any State or federal highway and adjacent to any Eastern Neighborhood Mixed Use Districts, or South of Market Mixed Use Districts.
 - e) Temporary Uses, defined in Code Section 205.
 - f) Accessory non-public uses that are in conformance with the General Plan where that use requires CU authorization within a NC-1 or Individual Area Neighborhood Commercial District located within ¼ mile of the P zoned lot.
4. All business signs on P zoned lots are required to be approved by the Planning Commission, and General Advertising signs are prohibited.

The Way It Would Be:

- 1. For P zoned Districts, Accessory Uses would not have to be a related use to the principal use.
- 2. Principally permitted uses would include:
 - a) Uses listed in items 2. a - c above (“The Way It Is Now”)
 - b) Accessory nonpublic uses that are permitted within the nearest non-Residential District¹, not larger than 1/3 of the floor or lot area of the principal use, and not considered Formula Retail.
 - c) City Plazas, as defined in the Administration Code.
 - d) Temporary use per Code Section 205 et. seq. (currently requires a CU as described above)
 - e) Temporary uses not in Code Section 205 et. seq. for which an enabling action is taken by either (a) the Board of Supervisors or (b) the Recreation and Parks Commission, the Municipal Transportation Agency Board of Directors, or other City Board or Commission with jurisdiction over the property. Temporary uses authorized under this Subsection shall be (A) limited to a renewable period of no more than three years and (B) of a nature such that

¹ A Residential District is defined by the Planning Code as any RH, RM, or RTO District.

the property on which the temporary use is located can be readily returned to the state in which it existed immediately prior to the commencement of the temporary use.

3. Conditionally permitted uses would include:
 - a) All uses listed in items 3. a - d above. ("The Way It Is Now")
 - b) Formula Retail.
 - c) For P Districts containing property owned by the City, any use not principally permitted in a P district, excepting dwelling units, any use first permitted in an M-2 District or Formula Retail uses where the subject P zoned lot is within $\frac{1}{4}$ of a mile of a zoning district that prohibits Formula Retail.
4. Business signs would be subject to the sign controls for the zoning district nearest the location of the proposed sign, other than Public or Residential Districts.

ISSUES AND CONSIDERATIONS

Purpose of P Districts. P zoned Districts apply to land that is owned by a governmental agency and in some form of public use, including open space, government buildings, police and fire stations, schools, and community centers. In general, they are not intended for commercial activity, except where that use is accessory to the primary use; such as having a restaurant in City Hall or concession stand in a park or plaza.

OS (Open Space) Height and Bulk Designation. In addition to being within a P District, Parks and other types of open space in the City have an "OS" Height and Bulk designation as defined in Planning Code Section 290. Section 290 states the following:

"the height and bulk of buildings and structures shall be determined in accordance with the objectives, principles and policies of the (General) Plan, and no building or structure or addition thereto shall be permitted unless in conformity with the (General) Plan. The inclusion of land in Open Space Districts is intended to indicate its principal or exclusive purpose as open space, with future development of any character strictly limited."

General Plan Objective and Policies for Open Space. The General Plan seeks to preserve existing open space (Recreation and Open Space Element, Policy 2.2); protect large scale open spaces that define districts and topography (Urban Design Element, Policy 1.4); conserve resources that provide a sense of nature (Urban Design Element, Objective 2); preserve the few undeveloped parcels left in the City in their natural state (Urban Design Element, Policy 2.1); and limit improvements in other open spaces to those that are necessary, and unlikely to detract from the primary values of the open space (Urban Design Element, Policy 2.2).

The General Plan is also explicit about prohibiting non-recreational uses in public parks and playgrounds, such as parking garages, streets and buildings, and private or semi-private facilities (Open Space Element, Policy 2.2). Making a successful open space may require activation by accessory uses, but those other uses should support the public usefulness and not detract from the character of the open space.

Recreation and Parks Department Property. Property under the jurisdiction of the Recreation and Parks Department is not eligible for the SF Plaza Program. All other changes in this Ordinance to P District zoning controls that are not exclusively related to the SF Plaza Program would affect property under the jurisdiction of the Recreation and Parks Department. However, as noted above, these amendments have the effect of being more restrictive than current zoning guidelines.

City Plaza vs. Street Plaza. The SF Plaza Program includes two types of plazas, City Plazas and Street Plazas. City Plazas are plazas that are located on City owned property not within the public right-of-way, while Street Plazas are plazas that are located within the public right-of-way. Street Plazas are not subject to Planning Code controls and are not permitted to have any permanent structures because they are located within the public right-of-way, but are under the jurisdiction of DPW (Department of Public Works). City Plazas are allowed to have permanent structures, and are subject to the controls in the Planning Code. Should this Ordinance pass, City Plazas would be a principally permitted use in P Zoned Districts. Applicants, in this case Plaza Stewards, would need to obtain a change of use permit from the Planning Department to establish the City Plaza as the primary use. Any Accessory Uses would require a separate use permit and would be subject to a CU if the Accessory Use was also classified as a Formula Retail use.

Revisions and Outreach. Over the past seven weeks, the OWED worked closely with the Planning Department to amend the Ordinance based on the Department's previous recommendations, as detailed in the Executive summary from February 27, 2014. The Department also attended several public outreach meetings and recommended further modifications to the Ordinance based on those meetings. The substantive modifications include:

1. Require a CU for Formal Retail in P Districts.
2. Prohibit Formula Retail on P Districts when the property when it is located within a ¼ mile of a zoning district where Formula Retail is prohibited²
3. To address community concerns about protecting open space from excessively large Accessory Uses, the following language was added to the Ordinance:

If the accessory nonpublic use is located on a lot with an OS Height and Bulk designation per Section 290 of this Code, it shall occupy a de minimis amount of space so that it does not detract from the lot's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use.

4. The original ordinance substituted the term Accessory with Ancillary, and created a new definition for Ancillary. This was done so that uses under this category would not necessarily have to be related to the primary use, as is required with Accessory Uses per Section 204 of the Planning Code. Based on feedback from the community, OEWD

² Only two districts currently prohibit Formula Retail in San Francisco, North Beach and Hayes Valley.

removed the term Ancillary from the proposed Ordinance, but clarified that in P Zoned Districts Accessory Uses do not have to be related to the principal use.

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 substantive changes in the proposed Ordinance are intended to bring some clarity to the types of uses, specifically Accessory Use, that are permitted in P Zoned Districts, and to permit the activating uses anticipated by the SF Plaza Program. In the process of amending the controls for P zoned parcels, it became evident that strengthening of the controls in this district to match the General Plan policies would be beneficial. Most of the remaining changes in the proposed Ordinance are clerical in nature, intended to simplify an overly complex section of the Code. These changes will help make this section of the Code easier to use, enforce and interpret.

Accessory Use Changes for P Zoned Parcels

Accessory Use Controls. The current restrictions for Accessory Uses in P Districts are ambiguous. Other than General Plan compliance and some limitations if the property is located within a ¼ mile of a more restrictive Neighborhood Commercial District, Accessory Uses are not adequately regulated in P Districts. Also, there is currently no size limit imposed on Accessory Uses in P Districts, unlike every other zoning district in the City. In order to provide more clarity and to better regulate land uses in P Districts, the Ordinance amends controls by tying the Accessory Use controls to the nearest non-Residential District and restricting Accessory Uses to a maximum of 1/3³ the total floor area or lot area of the principal use. Without this amendment, the controls currently limit these uses to those that are either “necessary or subordinate” with no specific size limit. The ordinance proposes that Accessory Use in P District be principally permitted if they are a principally permitted use in the nearest non-Residential district. If the use requires a CU or is prohibited in the nearest non-Residential district, the use would require a CU in the P District as an Accessory Use. The Department finds that these amendments will bring more clarity to the permitting process while still providing flexibility for City owned land. Tying Accessory Use controls to the nearest non-Residential district will help ensure that any Accessory Use approved on a P District lot will be appropriate and compatible with the surrounding neighborhood.

Accessory Use Definition. The proposed ordinance also specifies that Accessory Uses in P Districts do not have to be related to the principal use. The Department supports this change because the current

³ 1/3 is the standard Accessory Use size limit in most zoning districts throughout the City.

definition requires that Accessory Uses be related to the principal use. For City Plazas in particular, it is difficult to make the case that coffee cart, for example, is related to the principal use. However, one could also make the case that restaurants inside of city buildings, such as City Hall, or concession stands in parks are not necessarily related to the principal use. This change will help clear up any ambiguity regarding this issue.

Formula Retail. The Community was concerned that the proposed changes would allow Formula Retail establishments to locate on public open space or in P Zoned Districts in general. To address this concern the ordinance was modified to require a CU for all Accessory Uses that are considered to be Formula Retail in P Districts. Further, if Formula Retail is prohibited within ¼ of a mile of a P zoned parcel, Formula Retail would be prohibited on the P zoned parcel. The Department supports this change because it is consistent with the intention of Proposition G⁴ in that it helps to preserve neighborhood character, while still allowing each Formula Retail proposal to be reviewed on a case by case basis.

Temporary Use and Sign Control Changes

Currently the Code requires that all temporary uses and sign permits in P Zoned Districts obtain CU authorization. The Department finds that this provision in the Code is overly burdensome. CU applications are the Department's most costly application and can take six to nine months to process. Given the cost and time associated with the CU process, and that these permits are for temporary uses and signs, which have limited land use impacts, it does not make sense from a regulatory stand point to require CU authorization from the Planning Commission for every temporary use or sign permit in P Districts.

SF Plaza Program

Technical Changes to the Planning Code. The proposed changes intended to address the SF Plaza include adding City Plazas as a principally permitted use. The proposed change makes it clear that City Plazas are a principally permitted use in P Districts, helping to advance one of the goals of the SF Plaza program, which is to reduce barriers to communities interested in activating local public spaces, including associated regulatory hurdles for Plaza Sponsors. The change also ties the use definition to that in the Admin Code ensuring consistency between the Planning and Administration Code.

General Support for the SF Plaza Program. The SF Plaza program is an effort to help improve the City's public plazas by providing long-term activation, management, and/or maintenance. It's a format that has been used successfully in many cities, perhaps most famously in New York City where they have used this type of program to activate a number of newly created plazas around the city as a part of the New York Department of Transportation-sponsored City Plaza Program. According to the Social Life of Small Urban Spaces by William H Whyte⁵, successful public plazas have amenities (food, water features, trees,

⁴ Proposition G was a voter initiative passed in 2007 that required CU authorization for all Formula Retail applications in Neighborhood Commercial Districts.

⁵ First published in 1980, the Social Life of Small Urban Spaces is a highly influential book and film in architecture and planning circles that analyzes the success and failures of urban spaces. Observing the natural order of spaces and the way people move through them, Whyte provides an intuitive critique of

etc.), seating, and a caretaker, who ensures that the plaza is clean and to discourage anti-social behavior. Many of San Francisco's public plazas lack all three of these requirements. The proposed changes will help improve some of San Francisco's plazas by enabling community-supported non-profits to steward and activate city plazas, providing amenities and/or maintenance.

ENVIRONMENTAL REVIEW

The proposed Ordinance would result in no direct or indirect physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c) and 15378 of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has attended several community outreach meetings, and taken feedback that is detailed above. The Department has also received several emails in opposition to and support of the proposed Ordinance. Some of these emails were against the program because they felt that it privatizes public space; however the program does not remove property from city ownership nor does it allow SF Plazas to be privatized. Other emails supported the ability of the program to empower communities and stakeholders to steward the long-term care, maintenance and activation of plazas adopted into the program.

RECOMMENDATION: Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 140062, Version 2

urban spaces and ways these spaces can be improved. His work has since become standard texts, and appears on syllabi and reading lists in urban planning, sociology, environmental design, and architecture departments around the world.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE MAY 1, 2014

Project Name: **Amendments Relating to Provisions in P (Public) Zoned Districts**
Case Number: 2014.0180T [Board File No. 140062, Version 2]
Initiated by: Mayor Edwin Lee/ Reintroduced April 22, 2014
Staff Contact: Aaron Starr, Legislative Affairs
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Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY AMENDING SECTIONS 234, 234.1, AND 234.2, IN ORDER TO MODIFY AND MAKE TECHNICAL AMENDMENTS TO THE PROVISIONS OF PUBLIC USE ZONING DISTRICTS, AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

WHEREAS, on January 28, 2014, Mayor Edwin Lee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 140062, which would amend Sections 234, 234.1, and 234.2, in order to modify and make technical amendments to the provisions of Public Use Zoning Districts;

WHEREAS, on April 22, 2014, Mayor Edwin Lee reintroduced the proposed Ordinance under Board of Supervisors Board File Number 140062, with modifications based on Planning Department and community feedback;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 1, 2014; 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. Most of the proposed text changes in the Ordinance are clerical in nature, intended to simplify an overly complex section of the Code. These changes will help make this section of the Code easier to use, enforce and interpret. The substantive changes in the Ordinance are intended to bring some clarity to the types of uses, specifically Accessory Use, that are permitted in P Zoned Districts, and to permit the uses anticipated by the SF Plaza Program.
2. The current restrictions for Accessory Uses in P Districts are ambiguous and lack size limitations. The Commission finds that the proposed Ordinance seeks to rectify this issue by bring more clarity to the permitting process while still providing flexibility for City owned land. Tying Accessory Use controls to the nearest non-Residential district will help ensure that any Accessory Use approved in P Districts will be appropriate and compatible with the surrounding neighborhood.
3. The proposed Ordinance places Formula Retail restrictions on P Zoned parcels which is consistent with the intention of Proposition G, in that it helps to preserve neighborhood character, while still allowing each Formula Retail proposal to be reviewed on a case by case basis.
4. The proposed Ordinance removes the conditional use requirement for temporary uses and signs in P Districts. Given the cost and time associated with the CU process, and that these permits are for temporary uses and signs, which have limited land use impacts, it does not make sense from a regulatory stand point to require CU authorization from the Planning Commission for every temporary use or sign permit in P Districts.
5. The SF Plaza program is an effort to help improve the City's public plazas by providing long-term activation, management, and/or maintenance. It's a format that has been used successfully in many cities, perhaps most famously in New York City where they have used this type of program to activate a number of newly created plazas around the city as a part of the New York Department of Transportation-sponsored City Plaza Program.
6. Successful public plazas have amenities (food, water features, trees, etc.), seating, and a caretaker, who ensures that the plaza is clean and to discourage anti-social behavior. Many of San Francisco's public plazas lack all three of these requirements. The proposed changes will help

improve some of San Francisco's plazas by allowing non-profits to sponsor and activate city plazas, providing amenities, custodial services and monitoring.

7. **General Plan Compliance.** The proposed amendments to the Planning Code are consistent with the following Objectives and Policies of the General Plan.

URBAN DESIGN ELEMENT

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.1

Preserve in their natural state the few remaining areas that have not been developed by man.

Policy 2.2

Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.

The proposed Ordinance will not increase development potential on publicly owned land or allow additional development that would detract from the nature like qualities of the City's open spaces.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.5

Provide adequate maintenance for public areas.

Policy 4.7

Encourage and assist in voluntary programs for neighborhood improvement.

The proposed Ordinance would allow the city to enter into agreements with non-profit organizations for the maintenance and upkeep of public plazas.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 2

DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.2

Preserve existing public open space

The proposed Ordinance would not diminish the amount of public open space in the City, but would provide a way to better maintain the public plazas that we currently have.

OBJECTIVE 4

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.1

Make better use of existing facilities.

The proposed Ordinance will allow non-profit enterprises to activate public plazas, allowing those spaces to be better utilized.

8. **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 impact on neighborhood serving retail uses and will not impact 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 impact 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 impact 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 impact on the City's parks and open space access to sunlight and vistas.

- 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 as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 1, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: May 1, 2014

1 [Planning Code – Plaza Program]

2

3 **Ordinance amending the Planning Code by amending Sections 234, 234.1, and 234.2 in**
4 **order to modify and make technical amendments to the provisions of Public Use**
5 **Zoning Districts, affirming the Planning Department’s determination under the**
6 **California Environmental Quality Act, and making findings of consistency with the**
7 **General Plan and the Priority Policies of Planning Code Section 101.1.**

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

12

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

14

15 Section 1. Findings.

16 (a) The Findings set forth regarding the Plaza Program in companion legislation
17 amending the Administrative Code Chapter 94 to establish the Plaza Program are
18 incorporated herein by reference. Said findings are in Clerk of the Board of Supervisors File
19 No. _____.

20 (b) Amendments to the Planning Code for the P (Public Use) District are necessary to
21 facilitate the establishment, use, and activation of Plazas established under the Plaza
22 Program and other temporary uses under the jurisdiction of other City departments. The P
23 District zoning also requires technical updates to its language and deletion of obsolete
24 provisions. In addition, the sign controls for business signs in P Districts should reflect the
25 business sign controls in adjacent zoning districts other than residential or public use districts.

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

6 (d) Pursuant to Planning Code Section 302, the Board finds that the proposed
7 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
8 Planning Commission Resolution No. _____, which reasons are incorporated herein by
9 reference as though fully set forth. A copy of Planning Commission Resolution No.
10 _____ is on file with the Clerk of the Board of Supervisors in File No.
11 _____.

12 (e) At a duly noticed public hearing held on _____, 2014, the Planning
13 Commission in Resolution No. _____ found that the proposed Planning Code
14 amendments contained in this ordinance are consistent with the City's General Plan and with
15 the Priority Policies of Planning Code Section 101.1. The Commission recommended that the
16 Board of Supervisors adopt the proposed Planning Code amendments. The Board finds that
17 the proposed Planning Code amendments contained in this ordinance are consistent with the
18 City's General Plan and with the Priority Policies of Planning Code Section 101.1 for the
19 reasons set forth in said Resolution.

20
21 Section 2. The Planning Code is hereby amended by revising Sections 234, 234.1,
22 and 234.2, to read as follows:

23 **SEC. 234. P DISTRICTS.**
24
25

1 (a) In addition to the use districts otherwise established by this Code, there shall also
2 be in the City a Public Use District herein referred to as a "P District," to apply to land that is
3 owned by a governmental agency and in some form of public use, including open space.

4 (b) The purpose of designating such land as a P District on the Zoning Map is to relate
5 the Zoning Map to actual land use and to the ~~Master~~ General Plan with respect to such land.
6 Any lot in a P District may be occupied by a principal use listed in this Section 234.1, or by a
7 conditional use listed in this Section 234.2, subject to applicable regulations of this Code.

8 ~~Principle uses not identified under Sections 234.1 or 234.2 of this Code are not permitted in any P~~
9 ~~District including the limitations of Section 290 for OS (Open Space) Districts; provided, however, that~~
10 ~~on any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area~~
11 ~~Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use~~
12 ~~shall be permitted, unless such use or feature complies with the controls which are applicable in any~~
13 ~~NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located~~
14 ~~within 1/4 mile of the lot, excluding the provisions of zoning category .83, as defined in Section 790.80 of~~
15 ~~Article 7.~~

16 **SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS.**

17 The following uses are principally permitted in all P Districts when found to be in conformity
18 with the General Plan:

19 (a) Structures and uses of governmental agencies not subject to regulation by this
20 Code.

21 (b) Public structures and uses of the City and County of San Francisco, and of other
22 governmental agencies that are subject to regulation by this Code, including Neighborhood
23 Agriculture, as defined in Planning Code Section 102.35; and,

24 (c) ~~A~~ accessory nonpublic uses, which in P Districts may or may not be related to the
25 principal use, provided that they meet the following standards:

1 (1) If the accessory nonpublic use is located on a lot with an OS Height and Bulk designation
2 per Section 290 of this Code, it shall occupy a de minimus amount of space so that it does not detract
3 from the lot's principal or exclusive purpose as open space. In no case may accessory nonpublic uses
4 occupy more than 1/3 of the total lot area occupied by the principle use;

5 (2) If the accessory nonpublic use is located on a lot without an OS Height and Bulk
6 designation, it shall not occupy more than 1/3 of the total occupied floor area of the principle use;

7 (3) The accessory nonpublic use only may be located at or below the ground story;

8 (4) If the accessory nonpublic use is located within 1/4 mile of a Restricted Use Subdistrict listed
9 in Article 2 or 7, then no use prohibited in such Subdistrict may be permitted as an accessory nonpublic
10 use; when in conformity with the Master Plan and the provisions of other applicable codes, laws,
11 ordinances and regulations; provided, however, that on any lot in a P-District, which lot is within 1/4
12 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District or Restricted Use
13 Subdistrict described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless
14 such use or feature complies with the controls which are applicable in any NC-1 or Individual Area
15 Neighborhood Commercial District located within 1/4 mile of the lot, excluding the provisions of zoning
16 category .82, as defined in Section 790.80 of this Code.

17 (5) The accessory nonpublic use is principally permitted within the closest non-Residential
18 District. The closest non-Residential district is defined as the non-Residential zoning district that is the
19 shortest distance between any area occupied by the accessory nonpublic use and a parcel with a non-
20 Residential zoning designation. If there is more than one non-Residential district that meets this
21 definition, the more permissive zoning district shall apply; and,

22 (6) The proposed Accessory use is not a Formula Retail use as defined in Section 303(i), 703.3,
23 or 803.6 of this Code.

24 (d) Neighborhood Agriculture, as defined in Planning Code Section 102.35;

25 (e) City Plazas, as defined in Section 94.1 of the Administrative Code.

1 (f) Any temporary use identified in Sections 205 et seq. of this Code, regardless of the zoning
2 district specified in that Section but subject to the time limits specified in that Section for such
3 temporary use;

4 (g) Any temporary use not considered in Subsection (f) above for which an enabling action is
5 taken by either the Board of Supervisors, the Recreation and Parks Commission, the Municipal
6 Transportation Agency Board of Directors, or other City Board or Commission with jurisdiction over
7 the property. Temporary uses authorized under this Subsection (g) shall be:

8 (A) Limited to a renewable period of no more than three years as approved by the
9 Zoning Administrator, and

10 (B) Be of a nature such that the property on which the temporary use is located can be
11 readily returned to the state in which it existed immediately prior to the commencement of the
12 temporary use.

13 **SEC. 234.2. CONDITIONAL USES, P DISTRICTS.**

14 The following uses shall require Conditional Use authorization from ~~be subject to approval~~
15 ~~by the City~~ Planning Commission, as provided in Section 303 of this Code unless otherwise
16 permitted under Section 234.1 of this Code:

17 (a) For any P District, ~~Those~~ uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j);
18 209.4(a); 209.5(a); 209.5(b); ~~209.5(d) if the use does not comply with the performance and~~
19 ~~operational standards as defined by Section 102.35(a);~~ 209.5(e); 209.6(b); and 209.6(c); ~~209.9(e);~~
20 ~~and 234.2(e) and (d)~~ of this Code. Additionally, Neighborhood Agriculture, as defined in Section
21 209.5(d) of this Code, if it does not comply with the performance and operational standards as
22 contained in Section 102.35(a);

23 (b) Additionally, for P Districts located within the right-of-way of any State or federal highway:
24 ~~With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area~~
25 ~~Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use~~

1 ~~shall be permitted, unless such use or feature complies with the controls which are applicable in any~~
2 ~~NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located~~
3 ~~within ¼ mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of~~
4 ~~Article 7.~~

5 (e) (1) Parking lot or garage uses ~~listed in Sections 890.7 through 890.12 of this Code~~
6 when: (A) adjacent to any ~~located within any P-district within the Eastern Neighborhoods Mixed~~
7 ~~Use Districts,~~ or the South of Market Mixed Use District, or (B) within the Market and Octavia
8 Plan Area, ~~and within the right-of-way of any State or federal highway.~~

9 ~~(d) In any P-District which is within the Eastern Neighborhoods Mixed Use District and the~~
10 ~~South of Market Mixed Use District, if the use is located within the right-of-way of any State or federal~~
11 ~~highway, the following uses:~~

12 ~~(12)~~ Retail and personal service uses when adjacent to any Eastern Neighborhoods Mixed
13 Use Districts or the South of Market Mixed Use District and primarily meeting the needs of
14 commuters on nearby streets and highways or persons who work or live nearby, provided
15 that:

- 16 (A) The space is on the ground floor of a publicly-accessible parking garage;
- 17 (B) The total gross floor area per establishment does not exceed 2,500 square feet;
- 18 (C) The space fronts on a major thoroughfare; and
- 19 (D) The building facade incorporates sufficient fenestration and lighting to create an
20 attractive urban design and pedestrian-oriented scale.

21 ~~(2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-~~
22 ~~accessible parking lot, provided that:~~

23 ~~(A) The sale of goods and the presence of any booths or other accessory appurtenances are~~
24 ~~limited to weekend and/or holiday daytime hours;~~

1 ~~(B) Sufficient numbers of publicly accessible toilets and trash receptacles are provided on-site~~
2 ~~and are adequately maintained; and~~

3 ~~(C) The site and vicinity are maintained free of trash and debris.~~

4 (c) Additionally, on property with a P District designation that the City and County of San
5 Francisco owns, any use not otherwise principally permitted in a P district as set forth in Section 234.1
6 of this Code shall be permitted with conditional use authorization, except for:

7 (1) Residential uses;

8 (2) Any use first permitted in a M-2 District; and

9 (3) Formal Retail uses where the subject P zoned lot is within 1/4 of a mile of a zoning district
10 that prohibits Formula Retail.

11
12 Section 3. The Planning Code is hereby amended by revising Sections 605, to read as
13 follows:

14 **SEC. 605. PUBLIC USE DISTRICTS.**

15 ~~All applications for permits to erect Bbusiness signs in P Districts shall be subject to the~~
16 ~~controls of this Article 6 for the zoning district nearest the location of the proposed sign, other than~~
17 ~~Public Districts or Residential Districts. submitted to the City Planning Commission for approval or~~
18 ~~disapproval. The Commission, in its review, shall take into account the nature of the property and its~~
19 ~~use, the functional necessity for the sign, the proposed size, location, design and content of the sign, the~~
20 ~~degree of its harmony with the public purposes of the property and with the surrounding area, and the~~
21 ~~restrictions of this Code for signs in other districts.~~ No general advertising sign, other than those
22 signs exempted by Section 603 of this Code, shall be permitted.

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 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
4 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
5 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
6 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
7 additions, and Board amendment deletions in accordance with the "Note" that appears under
8 the official title of the ordinance.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 John D. Malamut
14 Deputy City Attorney

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