



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Historic Preservation Commission Resolution No. 658 Planning Code Text Change HEARING DATE: OCTOBER 20, 2010

*Project Name:* Amendments relating to the Upper Market NCD  
*Case Number:* 2010.0833T [Board File No. pending]  
*Initiated by:* Planning Commission  
*Staff Contact:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* **Approve Amendments and HPC would like to  
Consider the Potential Historic District at a Later Date**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

REVIEWING AND COMMENTING ON A PROPOSED ORDINANCE THAT WOULD AMEND VARIOUS SECTIONS OF THE PLANNING CODE TO ACHIEVE THE FOLLOWING: 1) ENSURE COMMERCIAL AND RESIDENTIAL DEVELOPMENT IN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT (UPPER MARKET NCD) IS CONSISTENT WITH EXISTING DEVELOPMENT PATTERNS; 2) PROVIDE RELIEF FROM PARKING REQUIREMENTS AND ENCOURAGE MORE TRANSIT-ORIENTED DEVELOPMENT IN THE UPPER MARKET NCD; AND 3) ENSURE NEW DEVELOPMENT IN THE UPPER MARKET NCD PROVIDES COMMUNITY BENEFITS TO OFFSET NEW IMPACTS TO INFRASTRUCTURE DUE TO NEW DEVELOPMENT AND ADOPTING FINDINGS, INCLUDING SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

### PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Department shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the Planning Code.

Whereas, the San Francisco Planning Commission is proposing to amend the Planning Code to amend the Upper Market Neighborhood Commercial District to update the Planning Code regulations governing this area per a citizen request that is consistent with recent planning work.

Whereas, after three successful community workshops, the Upper Market neighbors have developed a community vision and design guidelines. These documents were endorsed by the Planning Commission on October 23, 2008.

Whereas, the Department reports that proposed Ordinance responds to requests from residents and property owners within the Upper Market Area have raised the issue of adjusting the zoning controls for this area at several Planning Commission hearings in 2010;

Whereas, the Department reports that the Planning Commission requested that the Planning Department explore the citizen request and staff analysis of the citizen proposal found the citizen request to be in line with recent planning work by the Department;

Whereas, a draft ordinance, attached hereto, has been drafted in order to make revisions to the Planning Code to amend the Upper Market Street NCD to be more consistent with the community vision articulated in the Upper Market Community Plan amending Planning Code Sections by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416 et seq., 421.1, 421.3, 421.5, 721, and 721.1 as the sections relate to the Upper Market Street Neighborhood Commercial District (Upper Market NCD) and to extend the Market and Octavia Area Plan Impact Fees area to include the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area. The City Attorney's Office has reviewed the draft ordinance and approved it as to form; and

Whereas, the proposed legislation is intended to resolve the aforementioned issues; and

Pursuant to Planning Code Section 302(b), the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to initiate the proposed Ordinance on September 30, 2010 at which the Commission approved scheduling an adoption hearing on or after November 4, 2010 ; and

Whereas, the Department has requested the Historic Preservation Commission ("HPC") review and comment on the draft ordinance;

Whereas, the Historic Preservation Commission (hereinafter the "HPC") 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 HPC has reviewed the proposed Ordinance; and

**MOVED**, that the HPC hereby makes the following comment: 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 Department met with a coalition of people representing neighborhood and local advocacy groups including the Duboce Triangle Neighborhood Association, the Eureka Valley Neighborhood Association, the Castro Business Improvement District and Livable City;
2. At this meeting it was decided that the Department would conduct the required public notice and advertisements while the community coalition would spearhead a neighborhood meeting and supplemental outreach.
3. This Commission finds that the proposed ordinance is consistent with the historic preservation goals and policies of the General Plan and the Planning Code as set forth below
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### **I. AIR QUALITY ELEMENT**

#### **OBJECTIVE 3:**

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

### **II. TRANSPORTATION ELEMENT**

#### **POLICY 1.1**

Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

### **III. COMMERCE & INDUSTRY ELEMENT**

#### **OBJECTIVE 6:**

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

5. **Section 302 Findings:** The proposed Ordinance has been initiated by the Planning Commission and as is required by Section 302(b) and serves the public necessity, convenience and general welfare as necessary for Ordinances to amend the Planning Code by Section 302(a);
6. **Section 101.1 Findings:** The proposed Planning Code Text Amendment 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 through the addition of more attractive landscaping.  
*The proposed Ordinance contains regulations that would preserve existing uses and help maintain generous ground floor retail space conducive to retail uses.*

B) The existing housing and neighborhood character will not be adversely impacted by the proposed Ordinance.  
*The proposed Ordinance contains regulations that would preserve existing uses and help maintain generous ground floor retail space conducive to retail uses.*

C) The City's supply of affordable housing will be preserved and enhanced:  
  
*The proposed Ordinance strengthens the existing controls to preserve existing housing by placing new controls on mergers, demolitions, and subdivisions. Additionally, the application of affordable housing impact fees governed by Section 416 et. seq. will help enhance future projects.*

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, including the CEQA provisions afforded to projects within an area that is eligible for inclusion in a historic district as is this area.*

- 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.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 20, 2010.



Linda Avery  
Commission Secretary

AYES: Damkroger, Buckley, Hasz, Martinez, Matsuda, and Wolfram

NAYS: --

ABSENT: Chase

ADOPTED: October 20, 2010