



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: NOVEMBER 13, 2008

Project Name: Amendments relating to the South of Market Youth and Family Zone
Special Use District
Case Number: 2008.1208TZ [Board File No. 081333]
Initiated by: Supervisor Maxwell / Introduced October 21, 2008
Staff Contact: Claudia Flores and Sarah Dennis
Recommendation: **Disapproval (with minor amendments)**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS DISAPPROVE A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY ADDING SECTION 249.41 AND AMENDING ZONING MAP SHEETS SU01 AND SU08, WHICH ESTABLISHES THE SOUTH OF MARKET (SOMA) YOUTH AND FAMILY ZONE SPECIAL USE DISTRICT, BOUNDED GENERALLY BY NATOMA STREET ON THE NORTH, HARRISON STREET ON THE SOUTH, 4TH STREET ON THE EAST, AND 7TH STREET ON THE WEST TO ADDRESS YOUTH AND FAMILY CONCERNS AND EXPAND AFFORDABLE HOUSING OPPORTUNITIES.

PREAMBLE

Whereas, on October 21, 2008, Supervisor Maxwell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 081333 which would add Planning Code Section 249.41 in order to establish the SoMa Youth and Family Zone Special Use District; and

As a means to implement both the goals of the General Plan that are specific to the Eastern Neighborhoods Area Plans, and the citywide effort to encourage new housing at appropriate locations affordable to a range of city residents while preserving sufficient land for necessary production, distribution and repair (PDR) businesses and activities, the Department has proposed General Plan Amendments which would create the East SoMa Plan, and Planning Code amendments that would apply new districts and standards and district revisions to this area. These amendments were approved by the Planning Commission on August 7, 2008,

NOW, THEREFORE BE IT RESOLVED, that the Commission considered the draft Planning Code amendment ordinance and the issues raised by the Planning staff in oral presentations and written memos over the course of the Eastern Neighborhoods public process, and furthermore considered specific presentations, written memos and public testimony on November 13th, 2008;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 302 (c), the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare do not require the approval of the majority of proposed Planning Code amendments, and that

the Commission hereby recommends to the Board of Supervisors *disapproval of the proposed Ordinance as attached*;

AND BE IT FURTHER RESOLVED, that the Planning Commission wishes to *approve a modified version of the proposed Ordinance*, and specifically authorizes the following changes to the Planning Code amendment legislation and directs staff to work with the City Attorney's Office to prepare a new version of the Planning Code amendment legislation to reflect these modifications and submit the new version to the Board of Supervisors for its consideration: 1) establish the SoMa Youth and Family Zone Special Use District, 2) allow the Land Dedication alternative in the SoMa Youth and Family Zone Special Use District, and 3) allow the Land Dedication alternative to be satisfied through the dedication to the City of air space parcels above or adjacent to a project, upon approval of the Mayor's Office of Housing. 4) require a conditional use permit for the following uses within the SoMa Youth and Family Zone Special Use District: a) religious facilities, b) Certain retail uses including bars and liquor stores, amusement arcades, restaurants, large fast food, adult entertainment and night time entertainment, c) movie theaters, d) parking lots and parking garages

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 Eastern Neighborhoods Plans have been developed with a number of mechanisms intended to recognize the need for affordable housing in the area, and particularly in the South of Market. It includes high fee requirements for projects in the proposed MUR zoning district which will fund affordable housing directly in the SoMa Youth & Family Zone, and includes a dedicated affordable housing rehabilitation and acquisition program.
2. The imposition of affordable housing requirements above the level approved by the Planning Commission on August 7, 2008, would prove financially burdensome enough to hinder many of the Plan's other objectives. The affordable housing requirements as proposed by this ordinance, if adopted without amendments, would likely result, in most cases, in a decrease in site value, which would reduce the economic incentive to redevelop in the area.
3. Certain of the proposed housing amendments would support the Plan Goals, such as establishing the SoMa Youth and Family Zone Special Use District to recognize the needs and health of youth and families in the area, and allowing the Land Dedication alternative in this area, and allowing the Land Dedication alternative to be satisfied through the dedication to the City of air space parcels above or adjacent to a project.
4. The establishment of conditional use requirements for certain uses in the SoMa Youth and Family Zone Special Use District would support the community's desire to ensure a appropriate environment for youth and families within the special use district.

5. The Planning Commission finds that these proposed Planning Code and Zoning Map Amendments are, on balance, in conformity with the General Plan and the eight Priority Policies of Planning Code Section 101.1 and with the General Plan as proposed to be amended for the reasons set forth in Planning Commission Resolution No. 17662 which accompanies this Resolution, and incorporates said findings herein by reference.
6. Prior to considering the relevant amendments to the Planning Code, and related General Plan and Zoning Map amendments, on August 7, 2008, the Planning Commission adopted Motion No.17659. In that action, the Commission certified the Eastern Neighborhoods Environmental Impact Report. The Planning Commission also adopted Motion No. 17661, adopting California Environmental Quality Act Findings related to the Eastern Neighborhoods Area Plans project. Said motions are incorporated herein by reference

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on November 13, 2008.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 13, 2008