

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

# MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
**Small Business Commission, City Hall, Room 448**

FROM: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

DATE: May 16, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 170569**

Resolution extending interim zoning controls in the Transit Center District Plan Area ("Plan Area"), which is bounded by Market Street on the north, Folsom Street on the south, Steuart Street on the east and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but excluding the planned City Park between Mission, Howard, Second and Beale Streets and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment Plan Area, which include portions of land bounded by Spear, Mission, Folsom and Second Streets, to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

\_\_\_\_\_ **No Comment**

\_\_\_\_\_ **Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

c: Menaka Mahajan, Small Business Commission

1 [Extending Interim Zoning Controls - Signs in Transit Center District Plan Area and Between  
2 Folsom, Harrison, Essex and Second Streets]

3 **Resolution extending interim zoning controls in the Transit Center District Plan Area**  
4 **(“Plan Area”), which is bounded by Market Street on the north, Folsom Street on the**  
5 **south, Steuart Street on the east and between New Montgomery and Third Streets on**  
6 **the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but**  
7 **excluding the planned City Park between Mission, Howard, Second and Beale Streets**  
8 **and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment**  
9 **Plan Area, which include portions of land bounded by Spear, Mission, Folsom and**  
10 **Second Streets, to restrict the size and height of new signs within 200 feet of and**  
11 **visible from an existing or planned public park or open space, and to restrict**  
12 **illumination of certain new signs in those areas; and making environmental findings,**  
13 **including findings of consistency with the eight priority policies of Planning Code,**  
14 **Section 101.1.**

15  
16 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning  
17 controls to accomplish several objectives, including preservation of residential and mixed  
18 residential and commercial areas in order to preserve the existing character of such  
19 neighborhoods and areas and control of uses that have an adverse impact on open space  
20 and other recreational areas and facilities; and

21 WHEREAS, A new 5.4-acre park called the City Park (formerly known as the Rooftop  
22 Park) is planned to be located atop the Transbay Transit Center, which will be located  
23 between Mission and Howard Streets on the north and south, and between Second to Beale  
24 Streets on the west and east; and

25

1           WHEREAS, The City Park will include an outdoor amphitheater, gardens, trails, open  
2 grass areas, a children’s play space, a restaurant and a café, will be accessible from ten entry  
3 points, including bridges from neighboring buildings and a gondola from a planned ground-  
4 level floor of the Transbay Transit Center off Mission Street between the planned Salesforce  
5 Tower and Fremont Street to be known as Mission Square, and will provide needed open  
6 space in an area of the City with few parks; and

7           WHEREAS, The City Park is located in the Transit Center District Plan Area (“Plan  
8 Area”), which is bounded by Market Street on the north, Folsom Street on the south, Steuart  
9 Street on the east and between New Montgomery and Third Streets on the west; and

10           WHEREAS, The Transbay Joint Powers Authority has agreed to consult with  
11 community stakeholders, including but not limited to the Greater Rincon Hill Community  
12 Benefit District Steering Committee and the Transbay Joint Powers Citizens Advisory  
13 Committee, in developing sign controls that apply to the City Park consistent with these  
14 interim controls; and

15           WHEREAS, Other public parks and open spaces may be created in the Plan Area; and

16           WHEREAS, The Under Ramp Park is a new 4.2-acre neighborhood park planned to be  
17 situated primarily under the elevated bus ramp that will provide a direct connection from the  
18 new Transbay Transit Center to the Bay Bridge, of which approximately 25% will be open to  
19 the sky, and which will include a children’s play area, cafes and terraces, a beer garden, and  
20 a multilevel pavilion with cultural and retail programs; and

21           WHEREAS, The area between Folsom, Harrison, Essex and Second Streets is  
22 adjacent to the planned site of the Under Ramp Park and to the Plan Area; and

23           WHEREAS, Illuminated signs and other signs visible from a public park or privately  
24 owned public open space (POPOS) may negatively impact the aesthetics of the park or  
25 POPOS and the enjoyment of its users, including but not limited to interference with the



1 natural scenery and landscape afforded by the park or POPOS, as well as the creation of  
2 potential unwanted illumination and glare; and

3 WHEREAS, Evening and nighttime illumination of signs in the Plan Area disturbs the  
4 sleep of residents in the area and disrupts their general enjoyment of their homes; and

5 WHEREAS, Policy 2 of the eight priority policies of the City's General Plan and of  
6 Planning Code, Section 101.1 establishes a policy "That existing housing and neighborhood  
7 character be conserved and protected in order to preserve the cultural and economic diversity  
8 of our neighborhoods"; and

9 WHEREAS, Policy 8 of the eight priority policies of the General Plan and of Planning  
10 Code, Section 101.1 establishes a policy "That our parks and open space and their access to  
11 sunlight and vistas be protected from development"; and

12 WHEREAS, On November 3, 2015, the Board adopted Resolution No. 418-15, which  
13 imposed interim zoning controls allowing new signs in portions of the Transit Center District  
14 Plan Area, subject to size, height and illumination requirements, for a period of 18 months;  
15 and

16 WHEREAS, The circumstances that led to the adoption of Resolution No. 418-15 still  
17 persist today; and

18 WHEREAS, The extension of the interim zoning controls adopted by this Board in  
19 Resolution No. 418-15 advances and is consistent with Policies 2 and 8 of the priority policies  
20 set forth in Planning Code, Section 101.1, in that the extension of the interim zoning controls  
21 addresses the impacts of proposed signs on neighborhood character and existing and  
22 planned parks and POPOS; and

23 WHEREAS, With respect to Priority Policies 1, 3, 4, 5, 6, and 7, the Board finds that  
24 extending these interim zoning controls does not, at this time, have an effect upon these  
25 policies, and thus, will not conflict with said policies; and

1           WHEREAS, The interim zoning controls adopted by this Board in Resolution No. 418-  
2 15 are intended and designed to address and ameliorate the problems and conditions  
3 associated with the size, height and illumination of signs in close proximity to existing and  
4 planned public parks and POPOS, and the illumination of signs that adversely impact  
5 residential properties; and

6           WHEREAS, The following City and County of San Francisco Assessor's Blocks and  
7 Lots are subject to the interim zoning controls adopted by this Board in Resolution No. 418-  
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3741	All Lots
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1           ;and

2           WHEREAS, Extension of these interim controls will allow the Board of Supervisors an  
3 opportunity to consider the imposition of permanent sign controls in the Transit Center District  
4 Plan Area and in the area bounded by Folsom, Harrison, Essex and Second Streets; and

5           WHEREAS, The Board has considered the impact on the public health, safety, peace,  
6 and general welfare if these interim zoning controls were not extended; and

7           WHEREAS, The Board has determined that the public interest will be best served by  
8 extension of these interim zoning controls at this time, to ensure that the legislative scheme  
9 that may be ultimately adopted is not undermined during the planning and legislative process  
10 for permanent controls; and

11           WHEREAS, The Planning Department has determined that the actions contemplated in  
12 this Resolution are in compliance with the California Environmental Quality Act (California  
13 Public Resources, Code Section 21000 *et. seq.*). Said determination is on file with the Clerk  
14 of the Board of Supervisors in File No. 150737 and is hereby affirmed and incorporated by  
15 reference as though fully set forth herein; now, therefore, be it

16           RESOLVED, That, pursuant to Section 306.7 and Article 6 of the Planning Code, the  
17 City hereby requires that, as of the effective date of this Resolution, the following signage  
18 controls shall apply to the Assessor's Blocks and Lots listed above, which encompass the  
19 Plan Area and the area bounded by Folsom, Harrison, Essex and Second Streets, except for  
20 within the City Park and those portions of the Plan Area that overlap with the area defined as  
21 Zone 1 of the Transbay Redevelopment Plan, which portions consist of certain land within the  
22 boundaries of Spear, Mission, Folsom and Second Streets:

23           (a) illumination for any new sign that is located in the area subject to these interim  
24 zoning controls, where any part of the face of the sign is over 35 feet in height, as defined in  
25 Section 602.8 of the Planning Code, shall meet the following requirements:

- 1 (1) the sign's illumination shall be dimmable; and  
2 (2) all illumination shall be turned off from 11:00 p.m. each evening until 6:00  
3 a.m. the following morning; and

4 (b) except as specified in section (c) below, a new sign that is within 200 feet of an  
5 existing or planned public park or within 200 feet of a POPOS of 1/4 acre or greater, and that  
6 is visible from such a park or POPOS shall be permitted if it is 50 square feet or less and its  
7 highest point reaches a height of 35 feet or less, as defined in Section 602.8 of the Planning  
8 Code; and

9 (c) a new business sign that is within 200 feet of the City Park and that is visible from  
10 the City Park shall be permitted if it meets the following requirements:

11 (1) if the new business sign is located on the façade of a building directly  
12 abutting or with a pedestrian connection to the City Park,

13 (A) the sign shall consist of only metal lettering raised off the façade of  
14 the building to which it is attached, with a maximum vertical dimension of 30  
15 inches and a total maximum area of 50 square feet;

16 (B) the highest point of the sign shall reach a height of 15 feet or less  
17 from the nearest finished ground plane of the City Park; and

18 (C) the sign's illumination shall consist only of indirect illumination,  
19 pursuant to Planning Code, Section 602.11, including but not limited to halo-style lighting.

20 (2) if the new business sign is not located on the façade of a building directly  
21 abutting or with a pedestrian connection to the City Park, the sign shall comply with Section  
22 607 of the Planning Code; and be it

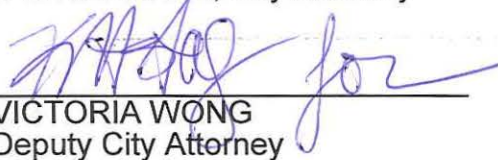
23 FURTHER RESOLVED, That this extension of interim zoning controls shall remain in  
24 effect for six months from the expiration of the interim zoning controls established by  
25



1 Resolution No. 418-15, or until the adoption of permanent legislation regulating signage in the  
2 Assessor's Blocks and Lots specified herein, whichever first occurs.

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

By:   
VICTORIA WONG  
Deputy City Attorney

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