

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 18, 2023
To: Rich Hillis, Director, Planning Department
From:  Angela Calvillo, Clerk of the Board, Office of the Clerk of the Board
Subject: Interim Zoning Controls - Extending and Modifying Conditional Use Authorization Requirement for Parcel Delivery Service Uses (Board File No. 230817)

On September 19, 2023, the Board of Supervisors adopted Resolution No. 437-23, sponsored by Supervisor Dorsey, and approved by Mayor London N. Breed on September 28, 2023.

A copy of the Resolution is being forwarded to you for your consideration and pursuant to Planning Code, Section 306.7(i).

If you have any questions or concerns, please contact John Carroll, Assistant Clerk, at (415) 554-4445 or by email at: john.carroll@sfgov.org.

cc: Dan Sider, Chief of Staff
Tina Tam, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Josh Switzky, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Elizabeth Watty, Current Planning Division

1 [Interim Zoning Controls - Extending and Modifying Conditional Use Authorization
2 Requirement for Parcel Delivery Service Uses]

3 **Resolution extending and modifying interim zoning controls enacted in Resolution No.**
4 **109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service**
5 **uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery**
6 **Services uses greater than 10,000 square feet, and 2) to use the definition of Parcel**
7 **Delivery Services that was in effect as to the effective date of Resolution No. 109-22;**
8 **affirming the Planning Department’s determination under the California Environmental**
9 **Quality Act; and making findings of consistency with the General Plan, the eight**
10 **priority policies of Planning Code, Sections 101.1 and Section 306.7.**

11
12 WHEREAS, Planning Code Section 306.7 authorizes the Board of Supervisors (the
13 “Board”) to impose interim controls to allow time for orderly completion of a planning study
14 and for the adoption of appropriate legislation, which are necessary to ensure that the
15 legislative scheme that may be ultimately adopted is not undermined during the planning and
16 legislative process by the approval or issuance of permits authorizing changes of use that
17 could conflict with that scheme; and

18 WHEREAS, The Planning Department is evaluating the current zoning controls for new
19 Parcel Delivery Service uses in San Francisco, and is considering potential zoning
20 amendments and other policy approaches to address these issues; and

21 WHEREAS, On March 31, 2022, the Mayor approved Resolution No. 109-22, which
22 imposed interim controls for an 18-month period, expiring on September 30, 2023, to require a
23 Conditional Use authorization for proposed Parcel Delivery Service uses; and

24 WHEREAS, The circumstances that caused the Board to adopt the interim controls in
25 Resolution No. 109-22 continue to exist; and

1 WHEREAS, In adopting those interim controls, the Board found that it is necessary for
2 the City to further study and assess new Parcel Delivery Service uses as a component of the
3 City's future development; and

4 WHEREAS, The Board has determined that the public health, safety and welfare will
5 best be served by extension of these interim zoning controls at this time, to ensure that any
6 legislative scheme that the Board may ultimately adopt to regulate Parcel Delivery Service
7 uses will not be undermined during the planning and legislative process; and

8 WHEREAS, The Board finds that these interim controls are consistent with San
9 Francisco's General Plan, in that they satisfy Commerce and Industry Element Objective 1 to
10 "manage economic growth and change to ensure enhancement of the total city living and
11 working environment," and that they do not conflict with any other aspects of the General
12 Plan; and

13 WHEREAS, The following General Plan Policies of the Commerce and Industry
14 Element are specifically and particularly advanced by these interim controls:

- 15 • "Policy 1.2: Assure that all commercial and industrial uses meet minimum,
16 reasonable performance standards." Imposition of interim zoning controls while the
17 City properly studies the rapidly evolving parcel delivery service industry and
18 analyzes the region's quickly evolving logistics industry will allow the City to study
19 the range of impacts of Parcel Delivery Service uses, and to specifically tailor
20 minimum and reasonably practicable performance standards that accurately reflect
21 current conditions. This will allow for orderly development of Parcel Delivery Service
22 uses.
- 23 • "Policy 3.1: Promote the attraction, retention and expansion of commercial and
24 industrial firms which provide employment improvement opportunities for unskilled
25

1 and semi-skilled workers." Parcel Delivery Service uses generally require a
2 significant amount of space. Allowing the establishment of new Parcel Delivery
3 Service uses without conditional use authorization while permanent controls for this
4 type of use are being considered could preclude other uses on those parcels, where
5 such other uses may create more job opportunities for unskilled and semi-skilled
6 workers; and

- 7 • WHEREAS, For the reasons stated above, the Board finds that these interim
8 controls support the development and conservation of the commerce and industry
9 of the City in order to maintain the economic vitality of the City, to provide its
10 citizens with adequate jobs and business opportunities, and to maintain adequate
11 services for its residents, visitors, businesses and institutions, consistent with
12 Planning Code, Section 306.7; and

13 WHEREAS, The extension of the interim controls established by this Resolution will
14 allow time for the orderly completion of a planning study and for the adoption of appropriate
15 legislation; and

16 WHEREAS, Planning Code, Section 306.7(h), authorizes the Board to extend the
17 interim controls up to a time period not to exceed 24 months; and

18 WHEREAS, The Board finds that these interim zoning controls do not have an effect on
19 and therefore are consistent with Priority Policy Nos. 1, 2, 3, 4, 5, 6, 7, and 8 of Planning
20 Code Section 101.1; and

21 WHEREAS, The Planning Department has determined that the actions contemplated in
22 this resolution comply with the California Environmental Quality Act (Pub. Res. Code § 21000
23 et seq.), which determination is on file with the Clerk of the Board in File No. 230817 and is
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25

1 incorporated herein by reference, and the Board affirms this determination; now, therefore, be
2 it

3 RESOLVED, That the interim controls imposed by Resolution No. 109-22 are hereby
4 extended and modified as set forth herein, and shall remain in effect until March 30, 2024, or
5 until the adoption of permanent legislation that addresses substantially the same issues,
6 whichever first occurs; and, be it

7 FURTHER RESOLVED, That, except as specified herein, any proposed Parcel
8 Delivery Service use, as defined in Section 102 of the Planning Code on March 31, 2022, that
9 is greater than 5,000 square feet, shall require Conditional Use Authorization pursuant to
10 Planning Code, Section 303, while these Interim Zoning Controls are in effect; and, be it

11 FURTHER RESOLVED, That, notwithstanding that Conditional Use Authorization
12 requirement, a temporary Parcel Delivery Service use at a given location may be authorized,
13 subject to all requirements of the Planning Code, for a single period not to exceed 60 days
14 once within a 12-month period, without the possibility of a renewal or subsequent approval
15 during the 12-month period; and, be it

16 FURTHER RESOLVED, That the Planning Department shall provide reports to the
17 Board pursuant to Planning Code, Section 306.7(i).

18
19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Andrea Ruiz-Esquide
22 ANDREA RUIZ-ESQUIDE
23 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230817

Date Passed: September 19, 2023

Resolution extending and modifying interim zoning controls enacted in Resolution No. 109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery Services uses greater than 10,000 square feet; and 2) to use the definition of Parcel Delivery Services that was in effect as to the effective date of Resolution No. 109-22; 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, Sections 101.1 and 306.7.

September 11, 2023 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 11, 2023 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

September 19, 2023 Board of Supervisors - ADOPTED

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Melgar, Preston, Ronen, Safai and Stefani

Excused: 2 - Peskin and Walton

File No. 230817

I hereby certify that the foregoing Resolution was ADOPTED on 9/19/2023 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

9/28/23

Date Approved