

File No. 190165 Committee Item No. 3  
Board Item No. 12

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 22, 2019

Board of Supervisors Meeting

Date JULY 30, 2019

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral CEQA 022019</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral PC 022019</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination 030719</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral PC 051519</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral CEQA 051519</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral SBC 052019</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PLN Transmittal 060319</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination 061319</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SBC Response 061419</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Comm Rpt Request 071719</u>
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Completed by: Erica Major Date July 18, 2019  
Completed by: Erica Major Date 7/23/19

[Planning, Administrative Codes - Legitimization Program for Non-Residential Uses at 3150-18th Street]

Ordinance amending the Planning and Administrative Codes to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106), and to require the Office of Small Business to assist businesses under the program; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 190165 and is incorporated herein by reference. The Board affirms this determination.

(b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare, for the reasons set forth in Planning Commission Resolution No. 20453, and incorporates such reasons by this

1 reference thereto. A copy of said resolution is on file with the Clerk of the Board of  
2 Supervisors in File No. 190165.

3 (c) On May 23, 2019, the Planning Commission, in Resolution No. 20453, adopted  
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
5 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
7 Board of Supervisors in File No. 190165, and is incorporated herein by reference.

8  
9 Section 2. Article 1.7 of the Planning Code is hereby amended by adding Section 192,  
10 to read as follows:

11 **SEC. 192. LEGITIMIZATION OF CERTAIN LAND USES AT 3150 18TH STREET.**

12 (a) *Intent.* The purpose of this Section 192 is to establish a time-limited program whereby  
13 *existing land uses at 3150 18th Street (Assessor's Parcel Block No. 3573, Lot No. 106), which have*  
14 *operated without required permits, may be permitted notwithstanding the zoning controls imposed by*  
15 *Planning Code Section 210.3.*

16 (b) *Legitimization Program for Certain Land Uses.* Any Non-Residential or PDR Use at 3150  
17 *18th Street that otherwise is not permitted pursuant to Planning Code Section 210.3 may be established*  
18 *as a Legal Non-conforming Use, if it meets all of the following requirements:*

19 (1) *If the use is an Office Use, any building permit for such Office Use will be subject to*  
20 *Mandatory Discretionary Review by the Planning Commission;*

21 (2) *As of January 15, 2019, it was operating in that location;*

22 (3) *As of January 15, 2019, it had a lease with the owner of 3150 18th Street, or it had a*  
23 *written agreement with an entity who has such a lease with the owner to operate in that location; and*  
24  
25

1                   (4) Applications for all appropriate permits from any City or State agency to legalize  
2 the use are filed within 90 days of the effective date of this Section 192, and the applicant diligently  
3 pursues the permit(s) until they are issued.

4                   (c) Notice.

5                   (1) Notice by Planning Department. The Planning Department shall post notice of this  
6 legitimization program on its website to describe its contents and requirements in order to assist  
7 tenants at 3150 18th Street with participation in this program. The notice shall also inform the public  
8 about the uses principally and conditionally permitted in PDR-1-G Districts, as set forth in Planning  
9 Code Section 210.3.

10                   (2) Notice by Owner. The owner of 3150 18th Street shall provide written notice to any  
11 prospective tenant at this property about the uses principally and conditionally permitted in PDR-1-G  
12 Districts, as set forth in Planning Code Section 210.3, prior to entering into any lease with the tenant.  
13 The owner of 3150 18th Street shall also provide written notice to its current tenants at this property  
14 regarding the legitimization program established by this Section 192, and such notice shall specify the  
15 date on which this Section 192 will sunset under subsection (g).

16                   (d) Determination of Applicability.

17                   (1) Initial Determination. The Planning Department shall initially determine, through  
18 the review of a building permit, whether a land use at 3150 18th Street meets the conditions set forth in  
19 this Section 192. Evidence relevant to said determination may include, but is not limited to, the  
20 following: rental or lease agreements, building or other permits, utility records, business licenses,  
21 permit applications submitted by a tenant to a City or State agency, permits issued by a City or State  
22 agency, and tax records.

23                   (2) Monitoring and Reporting. To ensure that any Non-Residential Use continues to  
24 meet the conditions set forth in this Section 192, the owner of 3150 18th Street shall, upon request,  
25

1 provide the Planning Department with information about the uses at the property and copies of the  
2 written notices it has provided to prospective and current tenants under subsection (c)(2).

3 (e) **Limitation of Enlargement, Intensification, or Discontinuance.** Enlargements,  
4 Intensifications, or Discontinuances of eligible uses that follow the legitimization program authorized  
5 by this Section 192 shall be subject to the relevant controls applicable under Sections 178, 181, 182,  
6 and 183 of this Planning Code.

7 (f) **Compliance with Other Requirements of the Planning Code.** Non-Residential Uses that  
8 follow the legitimization program authorized by this Section 192 shall comply with all applicable  
9 requirements of the Planning Code, other than those requirements from which they are specifically  
10 exempted under this Section 192, but such uses shall not be subject to any applicable impact fees  
11 imposed by Planning Code Article 4.

12 (g) **Sunset; Abandonment of Legitimized Uses.**

13 (1) **Office Uses.** Three years after the effective date of the ordinance in Board  
14 File No. 190165, any Office Use that is a Legal Non-conforming Use established through this  
15 Section 192 shall lose such non-conforming status, and shall be considered abandoned  
16 pursuant to Section 183.

17 (2) **All Uses Other Than Office.** Unless readopted, this Section 192 shall sunset ten  
18 years after its effective date of the ordinance in Board File No. 190165. Upon such date, all  
19 remaining Legal Non-conforming Uses established through this Section 192 shall lose such non-  
20 conforming status, and shall be considered abandoned pursuant to Section 183.

21  
22 Section 3. Article XVI of Chapter 2A of the Administrative Code is hereby amended by  
23 adding Section 2A.244, to read as follows.

24 **SEC. 2A.244. PERMITTING PROGRAM FOR TENANTS AT 3150 18TH STREET.**  
25


1        The Office of Small Business shall assist tenants operating businesses at 3150 18th  
2        Street by referring them to appropriate City departments to apply for permits or licenses  
3        during the period of the time-limited legitimization program established in Planning Code  
4        Section 192. All other City departments shall provide information or assistance upon request  
5        to the Office of Small Business in carrying out its responsibilities under this Section 2A.244.  
6

7        Section 34. No Retroactive Effect. This ordinance shall have no retroactive effect and  
8        does not forgive or waive enforcement of any violations that occurred prior to the ordinance's  
9        effective date.  
10

11       Section 45. Effective Date. This ordinance shall become effective 30 days after  
12       enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13       ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14       of Supervisors overrides the Mayor's veto of the ordinance.  
15

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

18       By:

19         
20       ANDREW SHEN  
21       Deputy City Attorney

22       n:\legana\as2019\1900414\01377313.docx  
23  
24  
25

**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 7/22/2019)

[Planning, Administrative Codes - Legitimization Program for Non-Residential Uses at 3150-18th Street]

**Ordinance amending the Planning and Administrative Codes to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106), and to require the Office of Small Business to assist businesses under the program; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

Existing Law

The Planning Code does not currently establish a legitimization program for uses at 3150 18th Street.

Amendments to Current Law

The legislation would codify a new Section 192, establishing a legitimization program to allow existing uses operating at 3150 18th Street without the benefit of all required permits to seek those permits. The legitimization program applies to non-residential uses that meet the following conditions:

- (1) if the use is for office, any building permit will be subject to mandatory discretionary review by the Planning Commission;
- (2) as of January 15, 2019, it was already operating at 3150 18th Street;
- (3) as of January 15, 2019, it had a lease with the owner of 3150 18th Street, or a written agreement with an entity that has such a lease with the owner; and
- (4) applications for all appropriate permits from any City or State agency to legalize the use are filed within 90 days of the effective date of this ordinance, and the applicant diligently pursues the permit(s) until they are issued.

Non-Residential or Production, Distribution, and Repair (PDR) Uses that qualify under this legitimization program would be considered Legal Non-Conforming Uses.

This legitimization program will sunset in 3 years for office uses and in 10 years for all other uses. Any legal non-conforming uses would lose such status on the applicable sunset date.

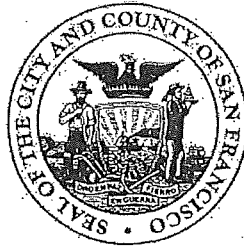
This legislation would have no retroactive effect, and would not forgive or waive enforcement of any violations that occurred prior to the ordinance's effective date.

FILE NO. 190165

The legislation would also require the Office of Small Business to assist tenants at 3150 18th Street by connecting them with appropriate City departments to apply for required permits or licenses during the legitimization period.

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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

May 15, 2019

File No. 190165-2

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On May 7, 2019, Supervisor Ronen introduced the following proposed substitute legislation:

**File No. 190165-2**

**Ordinance amending the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

joy  
navarrete

Digitally signed by joy navarrete  
DN: dc=org, dc=sfgov, dc=cityplanning,  
ou=CityPlanning, ou=Environmental  
Planning, cn=joy navarrete,  
email=joy.navarrete@sfgov.org  
Date: 2019.06.13 14:35:36 -07'00'



## SAN FRANCISCO PLANNING DEPARTMENT

June 3, 2019

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Ronen  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Re: Transmittal of Planning Department Case Number 2019-002217PCA:  
Legitimization program for certain Non-Residential Uses at 3150-18th Street  
Board File No. 190165  
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Ronen,

On May 23, 2019 the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Ronen that amend the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150 18th Street, also known as ActivSpace. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Decrease the program's time period from 10 years to 3 years for Office Uses.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
Manager of Legislative Affairs

cc:

Andrew Shen, Deputy City Attorney  
Carolina Morales, Aide to Supervisor Ronen  
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20453

HEARING DATE: MAY 23, 2019

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

Reception:  
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415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Legitimization program for certain Non-Residential Uses at 3150-18<sup>th</sup> Street  
*Case Number:* 2019-002217PCA [Board File No. 190165]  
*Staff Contact:* Audrey Butkus, Legislative Affairs  
Audrey.Butkus@sfgov.org, 415-575-9129  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

**RESOLUTION APPROVING WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO ESTABLISH A LEGITIMIZATION PROGRAM FOR CERTAIN NON-RESIDENTIAL USES AT 3150-18<sup>TH</sup> STREET (ASSESSOR'S PARCEL BLOCK NO. 3573, LOT NO. 106); ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on May 7, 2019 Supervisor Ronen re-introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190165, which would amend the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18<sup>th</sup> Street (Assessor's Parcel Block No. 3573, Lot No. 106);

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 23, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c)(2); 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

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance.

The Commission's proposed modification is as follows:

1. Decrease the program's time period from 10 years to 3 years for Office Uses.

## 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 proposed Ordinance with all recommended modifications, is on balance with the General Plan. The Ordinance with all recommended modifications prevents the eviction of small, commercial tenants whose land uses do not conform to the PDR zoning, while also ensuring that these affordable spaces are eventually returned to their intended PDR uses. The Ordinance with all recommended modifications, ensures that the building is returned to its intended purpose to serve artists and makers as soon as a reasonable amount of time has passed to ensure current non-complying tenants may find new business locations.
2. **General Plan Compliance.** The proposed Ordinance with the Commission's recommended modifications are is consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

#### Policy 4.3

Carefully consider public actions that displace existing viable industrial firms.

#### Policy 4.11

Maintain an adequate supply of space appropriate to the needs of incubator industries.

*The proposed Ordinance with the recommended modification will ensure that the building at 3150 18<sup>th</sup> Street returns to its authorized land uses, which cater to Light Industrial and Arts Activities Uses, while giving current non-conforming tenants enough time to find a new place of business.*

## MISSION AREA PLAN

### OBJECTIVE 1.1

STRENGTHEN THE MISSION'S EXISTING MIXED-USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

*The Ordinance with the recommended modification succeeds in preventing the eviction of commercial tenants whose land uses do not conform to the PDR zoning, while also ensuring that these affordable spaces are eventually returned to their intended PDR uses.*

**OBJECTIVE 6.1**

**SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS.**

*The Ordinance with the recommended modification ensures that the building is returned to its intended purpose to serve artists and makers as soon as a reasonable amount of time has passed to ensure current non-complying tenants may find new business locations.*

3. **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 with the recommended modification would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on 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 with the recommended modification 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 adverse effect 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 adverse effect on the City's Landmarks and historic buildings.*

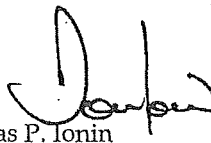
8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

4. **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 APPROVES WITH MODIFICATIONS 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 23, 2019.

  
Jonas P. Ionin  
Commission Secretary

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards

NOES: None

ABSENT: None

ADOPTED: May 23, 2019



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Amendment

HEARING DATE: MAY 9, 2019

90-DAY DEADLINE: AUGUST 5, 2019

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

Reception:  
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Information:  
415.558.6377

*Project Name:* Legitimization program for certain Non-Residential Uses at 3150-18th Street  
*Case Number:* 2019-002217PCA [Board File No. 190165]  
*Initiated by:* Supervisor Ronen / Re-Introduced May 7, 2019  
*Staff Contact:* Audrey Butkus, Legislative Affairs  
Audrey.Butkus@sfgov.org, 415-575-9129  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Approval with Modifications

### PLANNING CODE AMENDMENT

The Ordinance would amend the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150 18th Street, also known as ActivSpace.

#### The Way It Is Now:

1. 3150 18<sup>th</sup> Street is zoned Production, Distribution, and Repair General (PDR-1-G). The intention of this District is to retain and encourage existing production, distribution, and repair activities and promote new business formation. This District prohibits Residential and Office uses, and limits Retail and Institutional uses.

#### The Way It Would Be:

1. The legislation would codify a new Section 192, establishing a legitimization program to allow existing uses operating at 3150 18th Street without the benefit of all required permits to seek those permits. The legitimization program applies to non-residential uses that meet the following conditions:
  - a. If the use is for office, any building permit will be subject to mandatory discretionary review by the Planning Commission;
  - b. As of January 15, 2019, it was already operating at 3150 18th Street;
  - c. As of January 15, 2019, it had a lease with the owner of 3150 18th Street, or a written agreement with an entity that has such a lease with the owner; and
  - d. Applications for all appropriate permits from any City or State agency to legalize the use are filed within 90 days of the effective date of this ordinance, and the applicant diligently pursues the permit(s) until they are issued.

2. Non-Residential Uses that qualify under this legitimization program would be considered Legal Non-Conforming Uses, to sunset 10 years after the Ordinance becomes active. Any legal non-conforming uses under the legitimization program would then lose their nonconforming status.
3. The Ordinance would have no retroactive effect, and would not forgive or waive enforcement of any violations that occurred prior to the Ordinance's effective date.

## BACKGROUND

This Ordinance is the result of ongoing enforcement with the Planning Department, Health Department and the Department of Building Inspection regarding illegal businesses operating at 3150 18<sup>th</sup> Street.



*ActivoSpace exterior (activospace.com)*



*Typical upper story unit in ActivoSpace (yelp.com)*

On September 23, 2004, the Planning Commission moved to take Discretionary Review and approve a project at 3150 18<sup>th</sup> Street. The project proposed to demolish two, two-story light industrial office and warehouse buildings and in their place construction of a five-story building with approximately 260 commercial units (287 *were actually built*) and a single caretaker's unit. The commercial units were designated exclusively as rental workshops for arts activities, light manufacturing, repair and small business services uses. As part of the approval action, the Commission prohibited office and residential uses on the site, save for an administrative office for the building, and one caretaker's unit. This was memorialized by a Notice of Special Restrictions being places on the property's Assessor's Record. The units range in size from ~100 square feet to ~400 square feet (*see Exhibit B*).

As part of the approval action, the Commission prohibited office and residential uses on the site . .

On January 22, 2019 the Planning Department received an anonymous complaint alleging the illegal operation of tattoo and massage establishments at the site. On February 27, 2019, the Planning Department issued a Notice of Enforcement for the subject property for violating its Notice of Special

Restrictions<sup>1</sup> and for the presence of illegal Massage and Personal Service uses. This Notice of Enforcement is attached as Exhibit C. This enforcement case is the result of a complaint filed on January 22, 2019 alleging the illegal operation of tattoo and massage establishments at the site. During the Code Enforcement investigation, Planning Staff discovered that many other uses had been established at the site without the benefit of permit. Many businesses were also operating without Business Licenses. This enforcement is ongoing, with some further enforcement action dependent on the result of this proposed Ordinance. As of February 22, 2019, only 6 businesses held the necessary permits to operate from the Department of Public Health, and only 2 businesses had filed a permit to establish their use with the Planning and Building Departments.



*Map displaying location of Code Enforcement complaints for illegal conversion from PDR filed through 2017.*

## ISSUES AND CONSIDERATIONS

### Office Uses at 3150 18<sup>th</sup> Street

The exact number of Office Uses currently in operation at 3150 18<sup>th</sup> Street is unknown; however, the Department's estimation is that there are currently between 35-50 tenants whose operations classify as an Office Use. The proposed Ordinance would require any current tenant operating as an Office Use to seek Discretionary Review approval from the Planning Commission to be able to participate in the program.

<sup>1</sup> See Exhibit B

Some tenants have asked that the ordinance include language that would overturn the Commission's Discretionary Review action altogether; however, that is not possible. The Board is the body that approves ordinances, and the Board cannot overturn a Planning Commission's Discretionary Review action. Only the Planning Commission or the Board of Appeals can do that, and the window to appeal this decision to the Board of Appeals has long passed. Therefore, the only way this restriction can be removed is through another Discretionary Review action by the Planning Commission, which would require a change of use permit from the property owner or tenant.

The Board cannot overturn a Planning Commission's Discretionary Review action. Only the Planning Commission or the Board of Appeals can do that...

Though the Department understands the desire of the sponsor to ensure all current tenants have an ability to remain at 3150 18<sup>th</sup> Street, the Department would caution any applicant against pursuing this avenue. Seeking to overturn the Commission decision in this manner does not guarantee that these current office businesses will be able to be approved. Further, the Department is unlikely to recommend approval of such an application because of the City's long-standing policy to protect PDR spaces from office or residential development. These small business may end up spending a significant amount of time and money seeking approval, only to be either disapproved, or approved but only for the remaining length of the legitimization program. It should also be acknowledged that approval of the office businesses may inadvertently raise rents beyond the current levels, placing the small-scale PDR and Arts Activities Uses at risk of displacement. While a home office, which is permitted in the Planning Code, may not be ideal for some of these businesses in the long term, it is an option for them in the short-term while they look for new office space in the City.

#### Length of Amnesty Program

The Ordinance proposes allowing all uses approved through the Legitimization Program to operate for a period of no more than 10 years. After 10 years all uses not allowed in PDR-1-G would need to vacate the building. This legitimization program is tied to the land use and not the occupant; therefore, if an existing tenant vacates the building before the 10 years expire, a new tenant of that same use may occupy the unit until the expiration of program. The 10-year period would begin starting the day the legislation becomes effective.

Staff finds that the 10-year time-period defeats the purpose of the program being temporary. The purpose of the legitimization program is to provide current tenants whose land use is not currently permitted time to find a new business location. The program is not intended to permanently permit these non-conforming uses. Permanently permitting these land uses would only serve to: 1. Reward a property owner who has knowingly violated their zoning controls, possibly setting a precedent for other developers in PDR Districts to do the same; 2. Permanently remove greatly needed affordable Arts Activity and Light Industrial rental spaces; and 3. Increase rents even higher than what today's office tenants can afford, furthering the displacement of small businesses. Under this reasoning, allowing these uses to stay for 10 years is an excessive amount of time to accomplish the stated purpose of the program.

The Department is also concerned about the length of the program because of owner's record of failing to inform tenants of the property's restrictions. Although the legislation requires the property owner to inform new tenants of the legitimization program, the Department is skeptical that property owner will properly inform each new non-conforming tenant of the temporary nature of their tenancy. As a result, the City may find itself back in the same position in 10 years: trying to protect small business tenants from being evicted on short notice due to not being properly informed of the temporary nature of their land use authorization.

### Production Distribution and Repair Districts

PDR Districts provide space for a wide variety of PDR (production, distribution and repair) and other non-residential activities in districts where these uses are free from inherent economic and operational competition and conflicts with housing, large office developments, and large-scale retail, which are not permitted in these Districts. Other uses that share operational characteristics with PDR uses are permitted in these Districts, as they require large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land is also an important reservoir of space in San Francisco for new and evolving industry and activity types that cannot be foreseen today and cannot practically function or compete for space in a typical downtown office or neighborhood commercial environment. Businesses and activities allowed in PDR Districts generally share a need for flexible operating spaces that feature large open interiors, high ceilings, freight loading docks and elevators, floors capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These uses are often not ideally compatible with housing for operational reasons, including the need for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative to office, retail, and residential uses, yet are important sectors of the City's economy.

### Protecting PDR Spaces

The City set out to protect its industrial lands in the late 1990s because of the rise of the tech industry in San Francisco. Looking for cheap new office space, new tech start-ups started to rent industrial space in the eastern part of the city. This in-turn either displaced existing industrial uses or removed scarce industrial space from the real-estate market. As a result, the City engaged in a several attempts to stop the loss of industrial space, first with an Industrial Protection Zone, and finally by rezoning industrial parcels to a new zoning district designation, PDR (Production, Distribution, and Repair). Unlike the existing industrial zoning (M-1 and M-2), these new PDR zoning districts prohibited office and residential uses and significantly restricted the amount of retail and non-PDR uses.

The building at 3150 18<sup>th</sup> Street was approved while the city was looking for ways to protect its industrial lands, and prior to the adoption of PDR Zoning. The building was specifically designed to provide small, affordable workspaces for Arts and Light Industrial uses, and the Commission's support of the project was based on this fact. ActivSpace describes itself as a company "*designed and built specifically with the needs of creative individuals in mind*". The 289 units at 3150 18<sup>th</sup> Street are mostly small and include only a basic sink. Many of the units do not have windows. They are ideal for artist studios and maker spaces and their size makes them affordable to these types of uses. The longer the prohibited uses can remain at ActivSpace, the longer these units will remain inaccessible to the vulnerable artist and maker uses the City aims to protect.

### General Plan Compliance

The proposed Ordinance, with all recommended modifications complies with Objective 1.1 of the Mission Area Plan to “strengthen the Mission’s existing mixed-use character, while maintaining the neighborhood as a place to live and work.” It does this by preventing the eviction of commercial tenants whose land uses do not conform to the PDR zoning, while also ensuring that these affordable spaces are eventually returned to their intended PDR uses. The proposed Ordinance, *with* the proposed modifications to limit the legitimization program’s length to 3 years and to prevent Office Uses from remaining at the site, also complies with Objective 6.1 support the continued development and preservation of artists’ and arts organizations’ spaces. The Ordinance, with the recommended modifications, ensures that the building is returned to its intended purpose to serve artists and makers as soon as a reasonable amount of time has passed to ensure current non-complying tenants may find new business locations.

### Implementation

The Department has determined that this ordinance will impact our current implementation procedures in the following ways:

- There are many unknowns and factors that are beyond the Department’s or City’s control that can affect the success or failure of this program, including:
  - The property owner is under no obligation to assist tenants in legalizing their use, or in stabilizing their rent to make it worth the time and expense for them to go through the time and expense of legalizing their use. Most leases in this building are month-to-month.
  - As it is currently unknown how many units have been physically altered without permits, the Department of Building Inspection has expressed that they may require new architectural plans to be submitted for some or all units when they come in to establish their use. Though the project architect and property owner have verbally committed to sharing the approved architectural plans, DBI seems unable to verify the current accuracy of the various plan versions, and the tenants claim the property owner/architect have yet to share plans with them.
  - This program’s success will largely rely on the tenants and property owner coming together and coordinating amongst themselves to legalize their uses with the various city agencies.
  - The program may have the inadvertent effect of raising the rents beyond affordability for current tenants, while enabling future office uses to enter the neighborhood and occupy space designed for artists and producers (for the period of the legitimization program).
- Some of the current tenants are fall into uses that are allowed in PDR-1-G, but only up to certain amounts. Taken in aggregate, these uses may already be over the allowable square footage limits in the Planning Code. The Department believes the following uses may already be operating in excess of their allowable size limitations:
  - Social Service or Philanthropic Facility: C if over 5,000sqft
  - Health Services: C if over 5,000sqft
  - Other Retail Sales and Service Uses: Bar, Cannabis Retail, Tourist Oriented Gift Store, Specialty Grocery, Jewelry Store, Liquor Store, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Service, Fringe Financial Service, Limited Financial Service, Instructional Service, Personal Service, Retail Professional Service, and Tobacco Paraphernalia Establishment: NP once combined uses are over 2,500sqft.

There will be consternation and confusion from tenants who try to legalize these uses permanently if the property owner does not devise a system to designate which units will be permanent, and which will be temporary under the program. The property owner must do this prior to the effective date of this ordinance to avoid any confusion. The City cannot compel the property owner to make these determinations.

## RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Decrease the program's time period from 10 years to 3 years.
2. Do not permit Office Uses to participate in the legitimization program.

## BASIS FOR RECOMMENDATION

The Department supports the Ordinance with all proposed modifications because it will ensure that small business tenants of 3150 18<sup>th</sup> Street are given time to legitimize their uses if they are allowed under PDR-1-G zoning, or time to find a new business location if they are not allowed to operate under PDR-1-G zoning. Although the Department supports the overall intentions and goals of this Ordinance, it also cautions that even with the adoptions of all proposed modifications, the success of this program contains additional variables (described in the Implementation section above) that are not within the City's control.

1. **Decrease the program's time period from 10 years to 3 years.** Most if not all leases at 3150 18<sup>th</sup> Street are month-to-month. They are not standard 5-year commercial leases. This program is designed to give non-complying tenants time to find a new business location. Department staff find that 10 years is too long. Many tenants may move out during that time, and under this program new tenants of the same use may move into the space. The City cannot be held responsible for notifying every new tenant of the impending expiration date on their use. Further, based on past behavior, the Department is skeptical that the property owner will properly notify new tenants. If the program is too long, the City may find itself back in the same position in 10 years: with tenants not knowing that their uses were not permanently allowed and then seeking an exception from the Planning Code. Lastly, these uses are not allowed in the PDR-1-G zoning district for good reason: most if not all of them can pay higher rents than PDR uses. Every month these uses can stay results in rewarding the property owner for knowingly breaking the Conditions of Approval placed on the property and the underlying zoning controls. The Department does not want to set a precedent for other developers to do the same in the future.
2. **Do not permit Office Uses to participate in the legitimization program.** PDR-1-G Districts are specifically designed to prevent the proliferation of Office Uses which can often pay more than double the amount of rent as traditional PDR uses. Office Uses in this district go against the intent of the District and the General Plan. Additionally, the original Conditions of Approval for the ActivSpace project specifically stated that Office Uses are not be allowed. Lastly, if the program is only 3 years (as staff recommends), by the time an Office use seeks to temporarily legalize through a Mandatory Discretionary Review, they will likely only have 1.5-2 years left to operate at the space. The Department should not be offering permit avenues that are of little or no benefit to the applicant.

### REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

### ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

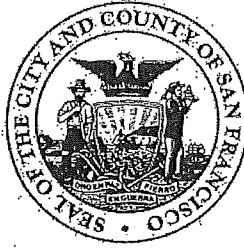
### PUBLIC COMMENT

As of the date of this report, the Planning Department has received three emails attached as Exhibit E regarding the proposed Ordinance. One email is from a client of a tenant at 3150 18<sup>th</sup> Street requesting the allowance for massage uses and two emails are from current office tenants at the subject site, requesting Office Uses be permitted at the property.

#### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Notice of Special Restriction
- Exhibit C: Notice of Enforcement
- Exhibit D: Estimation of Use Types Occurring in 3150 18<sup>th</sup> Street
- Exhibit E: Letters of Support/Opposition
- Exhibit F: Board of Supervisors File No. 190165

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

February 20, 2019

File No. 190165

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On February 12, 2019, Supervisor Ronen introduced the following proposed legislation:

**File No. 190165**

**Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

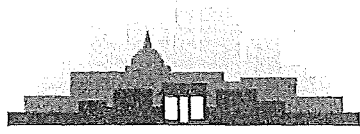
Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c).(2) because it would not result in direct or indirect physical change in the environment. It is establishing a program. Any physical activity will need environmental review.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2019.03.07 16:23:41 -0800



**OFFICE OF SMALL BUSINESS**

CITY AND COUNTY OF SAN FRANCISCO  
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS  
REGINA DICK-ENDRIZZI, DIRECTOR

June 14, 2019

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: BOS File No. 190165 – Legitimization Program for Non-residential Uses at 3150 18<sup>th</sup> Street

Small Business Commission Recommendations to the Board of Supervisors (BOS): **Approval**

Dear Ms. Calvillo,

On June 10, 2019 the Small Business Commission (SBC or the Commission) heard BOS File No. 190165 – Planning Code – Legitimization Program for Non-residential Uses at 3150 18<sup>th</sup> Street. Carolina Morales, aide to Supervisor Ronen provided the SBC with an overview of the legislation. Aaron Starr, Legislative Director with the Planning Department also made himself available for questions. The Commission voted unanimously (5-0, with 2 absent) to recommend that the Board of Supervisors approve the legislation. The Commission also made several comments and recommendations.

The SBC is supportive of the intent of this legislation which would undoubtedly prevent the displacement or closure of approximately 200 small, independently owned and operated enterprises. Many of the businesses are community serving and include: child and adult mental healthcare, speech pathology, educational services, chiropractic services, acupuncture therapy, massage therapy, hair stylists, tattoo artists, aesthetic services, and nonprofits with varied missions. Importantly, many if not most of these businesses are women, LGBTQ+, and minority owned. Many business owners have also identified themselves to be disabled and noted that the accessibility of the building and proximity to public transportation has made it possible to successfully operate their businesses. The majority of business owners have also indicated that the affordability of their commercial rentals has made it possible to provide inexpensive services to their clientele. This is particularly true for mental health providers who collectively see at least 1,200 clients a week.

Responsive to their review of the legislation and June 10<sup>th</sup> discussion, the Commission respectfully requests that the Board consider the following recommendations:

1. The current zoning restrictions of 3150 18<sup>th</sup> Street have likely outlived their usefulness. And, in light of commercial vacancies continuing to exist at the property, it does not appear as if exclusively allowing light manufacturing and arts activities is practical for the building. Recognizing that spot zoning is burdensome and administratively challenging, the Commission thusly recommends that the appropriateness of the zoning restrictions for the building, and for the surrounding area be reevaluated.
2. The businesses with non-conforming land uses currently renting at the property will be held to account for operating without proper permits through the legitimization program and associated fees. The landlord should also be held accountable for their role in violating the special zoning restrictions. If possible, fees attributed to business owners through the legitimization program should be minimized.

OFFICE OF SMALL BUSINESS • SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110, SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6408

3. The "Office Use" definition is particularly broad. It may include nonprofits, grant writers, and independent web/graphic designers. Businesses operating at ActivSpace and who are determined to be an "Office Use" by the Planning Department should not be subject to a Mandatory Discretionary Review and should be able to participate in the legitimization program as the other businesses will be able to participate.
4. The definition of "Office Use" is too general and operationally challenging to pragmatically administer when making a land use determination. The definition currently includes: general office uses, retail professional services, and non-retail professional services. And, where it includes nonprofits, grant writers, and independent web/graphic designers notably, it would also include many of the City's biggest tech firms and start-ups. The definition deserves to be reevaluated and modernized.

Thank you for considering the Commission's comments and recommendations. Please feel free to contact me should you have any questions.

Sincerely,



Regina Dick-Endrizzi  
Director, Office of Small Business

cc: Hillary Ronen, Member, Board of Supervisors,  
Vallie Brown, Member, Board of Supervisors,  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Lisa Pagan, Office of Economic and Workforce Development  
Erica Major, Clerk, Land Use and Transportation Committee



SAN FRANCISCO

## OFFICE OF SMALL BUSINESS

### Legislative Background

BOS File No. 190165

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Name: Planning Code - Legitimization Program for Non-Residential Uses at 3150-18th Street  
Sponsor(s): Supervisors Ronen and Brown  
Date Introduced: February 12, 2019  
Date Referred: May 20, 2019  
Date Substituted: May 7, 2019  
Scheduled for BOS Committee: Land Use and Transportation Committee

### *Legislation Overview:*

Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150 18<sup>th</sup> Street, also known as ActivSpace.

### *Existing Laws*

3150 18<sup>th</sup> Street is zoned for Production, Distribution, and Repair General (PDR-1-G) uses. This District prohibits Residential and Office Uses, and limits Retails and Institutional Uses. A list of relevant definitions is included in Appendix A.

### *Amendments to Current Law*

The ordinance would establish a legitimization program which would allow existing businesses operating at ActivSpace without required permits, to seek those permits. The legitimization program would apply to non-residential uses that meet the following requirements:

- a. If the use is for office, any building permit will be subject to Mandatory Discretionary Review by the Planning Commission;
- b. As of January 15, 2019, it was already operating at 3150 18th Street;
- c. As of January 15, 2019, it had a lease with the owner of 3150 18th Street, or a written agreement with an entity that has such a lease with the owner; and
- d. Applications for all appropriate permits from any City or State agency to legalize the use are filed within 90 days of the effective date of this ordinance, and the applicant diligently pursues the permit(s) until they are issued.

Businesses that qualify under the legitimization program would be allowed to continue operating at ActivSpace for a period of 10 years beginning upon the ordinance's effective date. As such, after 10 years, eligible businesses would need to relocate. Businesses that qualify under the legitimization program can also anticipate incurring standard fees associated with obtaining required permits:

- All ActivSpace tenants will have to establish their use with the Planning Department. Estimated base fee: **\$395**
- All ActivSpace tenants will be subject to a Building Inspection Review. Estimated base fee: **\$300-400**;
- Additional costs may be incurred depending on what Architectural Plans will be required for permit issuance;
- Additional costs may be incurred if businesses have conducted tenant improvements without the proper City permitting;

- Businesses considered to be “Office Uses” under the Planning Code and engage in the Mandatory Discretionary Review process can expect to pay a minimum base fee of **\$4,246**
- In order to reduce costs and time, some businesses may jointly submit permit applications and as such share costs. For example- all massage therapists, all artists, or all psychotherapists. It is unclear as to whether or not “Office Uses” would also be able to do this.

### ***Background:***

The ActivSpace property was constructed in 2004 and contains approximately 287 commercial units. These units range in size from ~100 square feet to ~400 square feet. On October 1 2004, the Assessor Recorder administered a Notice of Special Restriction under the San Francisco Planning Code for the ActivSpace property<sup>1</sup>. The Notice was administered responsive to a Discretionary Review conducted by the Planning Commission. Ultimately, the Planning Commission determined that in order to protect industrial spaces in the City from being replaced with tech start-ups, the ActivSpace project would be approved so long as the commercial units would be utilized for arts and light industrial uses.

Per the Notice, the property owner agreed that the commercial units would be designated as rental workshops for arts activities, light manufacturing, and home and business services. The Notice also allows for ~700 square feet of the property to be used for retail sales or restaurant space. And, the Notice allows for one caretaker’s unit. The Notice specified that Office and residential/dwelling uses would be prohibited.

In January 2019 a complaint regarding unauthorized uses operating at ActivSpace was made to the Planning Department. Upon inspection, the Planning Department determined that the majority of business establishments operating at ActivSpace were not arts and light industrial uses. And, that those business establishments were operating without appropriate permits. In order to avert the possible displacement of close to 200 businesses, Supervisor Ronen introduced this legislation.

### **Existing Businesses**

As of March 2019, 274 out of 289 ActivSpace commercial units were occupied. The Planning Department estimates that the following land uses currently operate out of ActivSpace<sup>2</sup>:

<b>Land Use</b>	<b>Number of Units</b>
<b>Health Services</b> (Acupuncture, Chiropractor, Psychotherapy)	53
<b>Personal Services</b> (Hair Salon, Aestheticians)	61
<b>Massage</b>	27
<b>Arts Activity</b>	66
<b>PDR</b>	15
<b>Office</b>	48
<b>Residential</b>	1
<b>Retail</b>	1
<b>Vacant</b>	15
<b>Property Administrative</b>	2

<sup>1</sup> See Appendix B for a copy of the Notice of Special Restriction.

<sup>2</sup> San Francisco Planning Department Executive Summary, Case Number: 2019-002217PCA

Many of these businesses have been operating out of ActivSpace since the property's inception, including those considered to be "Office Uses". Current tenants have reported to the Office of Small Business that they specifically sought to rent space at ActivSpace because of its affordability, proximity to multiple transit options, building security, and the community setting. And, where many of the tenants may be considered to be low-middle income earners<sup>3</sup>, the affordability of the space has allowed them to engage in work that they are not only passionate about but that is serving a demand in the community that hosts their operations and at a reasonable cost.

While the legislative sponsor has expressed her intent to include as many businesses in the legitimization program as possible, the Notice of Special Restriction administered to the property in 2004 precludes "Office Uses" from participating as Health Service or Personal Service businesses may be able to. As such, per the legislation, businesses deemed to be "Office Uses" by the Planning Department may only establish their use at the property through first participating in a Mandatory Discretionary Review.

### Office Uses

The Planning Department estimates that there may be 35-50 businesses considered to be "Office Uses". Per a Planning Department Inspection conducted on March 8, 2019, it was estimated that 48 businesses may be considered to be "Office Uses", or 17% of ActivSpace units. Generally, if an entity provides business to business services, they are considered to be an "Office Use".

Many ActivSpace businesses have indicated to the Office of Small Business that they are registered as sole proprietors and engage in grant writing, independent consulting, design, and web design among other types of work and thusly may be considered to be "Office Uses". Non-profit Administrative Services may also be considered to be an "Office Use" and also occupy ActivSpace units. These entities are presumably *not* tech start-ups. Many businesses and non-profits who may possibly be considered to be "Office Uses" have expressed extraordinary difficulty in finding alternative and affordable office space in the City of San Francisco, particularly where they are seeking to rent less than 200 square feet of space.

Such businesses and non-profits that may be considered to be "Office Uses" have also expressed that alternative work environments, such as co-working spaces or home offices, are not practical for the type of work that they conduct. This is especially true where many business owners occupy small studio units or live among roommates. They also expressed that paying the minimum \$4,246 base fee for the Mandatory Discretionary Review would have severely detrimental economic consequences.

### Enforcement

Although the Notice of Special Restriction was administered to the ActivSpace property in 2004, little to no active enforcement took place until January 2019, 15 years later. A reasonable concern exists that, the property owner may

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<sup>3</sup> According to the U.S. Department of Housing and Urban Development, in San Francisco if a family of four earns \$117,400 a year, they are considered to be "low income". According to U.S. Department of Labor data, the median yearly wage in San Francisco for: psychotherapists is \$103,500; for massage therapists is \$41,210; for graphic designers is \$68,380.

continue to rent to businesses who do not qualify under arts and light manufacturing uses. And, that prospective renters may continue to rent whose use would not be considered to be an arts or light manufacturing use.

***Suggested Questions for Presenters:***

**Office Uses:**

1. Does the Planning Department have an idea of what the availability of micro-office space looks like in San Francisco?
2. Planning Code Section 311(e) indicates that a discretionary review hearing would be scheduled within a “reasonable period of time”. How does the Planning Department define/administer this?
3. How would the administration of a Mandatory Discretionary Review differ from a typically administered Discretionary Review?
4. How long, on average can a Mandatory Discretionary Review take from beginning to end?
5. The base fee for a Mandatory Discretionary Review is \$4,265. How was this calculated? What is the legal basis for administering this fee?
6. Can the base fee of \$4,246 be waived, under any circumstances?
7. Planning Department Staff estimated that there are 48 businesses that may be considered to be “Office Uses”. Will the 48 businesses be able to submit one Mandatory Discretionary Review application or, will the Planning Commission require that they submit 48 individual applications?
8. Does the Planning Department anticipate administering charges in addition to the base fee for the Mandatory Discretionary Review? How much can applicants anticipate those to be?
9. While the Mandatory Discretionary Review process is under way, may the business continue operating?
10. If the Mandatory Discretionary Review has an unfavorable result, can the business submit to the Board of Appeals?

**Enforcement:**

1. How does the Planning Department intend to enforce this legislation?
2. According to the legislation, the businesses would be able to continue operating for 10 years at ActivSpace if they successfully participate through the legitimization program. **When would that 10 years start and end?**

***Staff Recommendations:***

- Fees associated with the Mandatory Discretionary Review “Office Uses” should be waived through follow-up legislation.
- Should an “Office Use” Mandatory Discretionary Review result in a determination that does not allow the business to participate in the legitimization program that business should be afforded a reasonable amount of time to relocate. Not less than six months.
- The definition of “Office Use” is too broad and deserves to be formally evaluated and modernized through follow-up legislation.

## **Appendix 1: Relevant Definitions**

**Production, Distribution, and Repair General Use:** A grouping of uses that includes, but is not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital, Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Cat Boarding, Catering, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and Wholesale Storage

**Arts Activities:** A retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: dance; music; dramatic art; film; video; graphic art; painting; drawing; sculpture; small-scale glassworks; ceramics; textiles; woodworking; photography; custom-made jewelry or apparel; and other visual, performance, and sound arts and craft. It shall exclude accredited Schools and Post-Secondary Educational Institutions. It shall include commercial arts and art-related business service uses including, but not limited to: recording and editing services; small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale, and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces shall include studios, workshops, archives, and theaters, and other similar spaces customarily used principally for arts activities, exclusive of a Movie Theater, General Entertainment, Amusement Game Arcade, Adult Business, and any other establishment where liquor is customarily served during performances

**Light Manufacturing:** An Industrial Use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities, as may be defined by the Standard Industrial Classification Code Manual as light manufacturing uses: Food processing; Apparel and other garment products; Furniture and fixtures; Printing and publishing of books or newspapers; Leather products; Pottery; Glass-blowing; Commercial laundry, rug cleaning, and dry cleaning facility; Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks; or Manufacture of cannabis products or cannabis extracts that are derived without the use of volatile organic compounds (any use requiring License Type 6—Manufacturer 1, as defined in California Business and Professions Code, Division 10). It shall not include Trade Shop, Agricultural and Beverage Processing 1 or 2, or Heavy Manufacturing 1, 2, or 3. This use is subject to the location and operation controls in Section 202.2(d).

**Office Use:** A grouping of uses that includes General Office, Retail Professional Services, and Non-Retail Professional Services. This use shall exclude: retail uses other than Retail Professional Services; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods

**Sales and Service Retail Use:** A Commercial Use category that includes Uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user with some space for retail service on site, excluding Retail Entertainment Arts and Recreation, and Retail Automobile Uses and including, but not limited to: Adult Business, Animal Hospital, Bar, Cannabis Retail, Cat Boarding, Chair and Foot Massage,

Tourist Oriented Gift Store, General Grocery, Specialty Grocery, Gym, Hotel, Jewelry Store, Kennel, Liquor Store, Massage Establishment, Mortuary (Columbarium), Motel, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Service, Fringe Financial Service, Limited Financial Service, Health Service, Instructional Service, Personal Service, Retail Professional Service, Self-Storage, Tobacco Paraphernalia Establishment, and Trade Shop

**Personal Services:** A Retail Sales and Services Use that provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses, and steam rooms. Personal Service does not include Massage Establishments or Gym, which are defined separately.

**Health Services:** A Retail Sales and Service Use that provides medical and allied health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically oriented services. It includes a clinic, primarily providing outpatient care in medical, psychiatric, or other health services, and not part of a Hospital or medical center, as defined by this Section of the Code.

Recording Requested by and  
When Recorded Return to:

Gary Romain  
Activspace LLC  
819 North 49th Street, #400  
Seattle, WA 98103-6517

CONFORMED COPY of document recorded on,

AS MC 10/01/2004, 2004H825717  
This document has not been recorded in the original  
SAN FRANCISCO ASSessor RECORDER

Block 3573, Lots 2 and 12

**NOTICE OF SPECIAL RESTRICTIONS  
UNDER THE SAN FRANCISCO PLANNING CODE**

18TH AND TREAT SAN FRANCISCO VENTURE, LLC, A WASHINGTON LIMITED LIABILITY COMPANY ("Owner"), the owner of that certain real property situated in the City and County of San Francisco, State of California, more particularly described on the attached Exhibit A, hereby gives notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to the approval of Building Permit Application No. 2004/05/21/4487 for the construction of a workshops project by the Planning Department and are conditions that had to be so attached in order that said application could be approved under the Planning Code and under Discretionary Review Case No. 2004.0635D, which was required by Planning Commission Resolution 16727.

The restrictions and conditions of which notice is hereby given are as follows:

1. The project approved contains approximately 275 units of rental workshops for arts activities, light manufacturing, and home and business services uses, as defined by Sections 102.2, 226, and 222 of the Planning Code, respectively; approximately 700 square feet of retail sales or restaurant space, as defined by Section 218 of the Planning Code; and may contain one caretaker's unit, as defined by Section 204.4 of the Planning Code.
2. No workshop unit shall be occupied for office uses, as defined by Sections 219, 320(f), 790.106, 790.108, 890.106, 890.108 and 890.114 of the Planning Code, except for the property's on-site manager's office.
3. No workshop shall be used as a dwelling unit or for any other residential use, as defined by Sections 215-216 of the Planning Code, except for a single caretaker's unit.
4. Not less than 50 off-street parking spaces and one off-street loading space.

shall be maintained for use by occupants of the building.

5. Violations of the provisions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: 9/30/04, Seattle, WA at San Francisco, California

18th and Treat San Francisco Venture,  
LLC, a Washington limited liability  
company

By 

Its Manager



## PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER  
(415) 558-6378

DIRECTOR'S OFFICE  
PHONE: 558-6411  
4TH FLOOR  
FAX: 558-6426

ZONING ADMINISTRATOR  
PHONE: 558-6350  
5TH FLOOR  
FAX: 558-6409

PLANNING INFORMATION  
PHONE: 558-6377  
MAJOR ENVIRONMENTAL  
FAX: 558-5991

COMMISSION CALENDAR  
INFO: 558-6422  
INTERNET WEB SITE  
SFGOV.ORG/PLANNING

**DATE:** October 5, 2004  
**TO:** Interested Parties  
**FROM:** Linda Avery, Commission Secretary  
**RE:** Planning Commission Action

**Property Address:** 3150 18<sup>th</sup> Street  
**Building Permit Application Nos.:** 2004.05.21.4485 (demo); 2004.05.21.4484 (demo)  
and 2004.05.21.4487 (new construction)  
**Discretionary Review Case No.:** 2004.0635D

On September 23, 2004, the Planning Commission reviewed the above-referenced building permit application with the following results:

### 1. ACTION

- The Commission moved to take Discretionary Review and approve the project with the design changes for the Treat Avenue façade introduced at the hearing, and with the requirement that a Notice of Special Restriction be recorded against the property indicating that office and residential uses (except for a care taker's unit) not be permitted as part of the project.

### 2. FINDINGS

The reasons the commission took the action described above include:

- The project will provide more square footage of PDR use than is being taken away with the proposed demolition. Therefore, it meets the general intent of the Eastern Neighborhood policies and the "Core PDR" Designation.
- The proposed building at its scale and configuration is appropriate for industrial zoned parcels.
- The project meets the requirements and intent of the Planning Code, the Industrial Design Guidelines and the General Plan.

October 5, 2004  
3150 18<sup>th</sup> Street  
DR Case No. 2004.0635D  
Page 2

3. . Speakers at the hearing included:

In support of the project

Steve Vettel  
Kathleen Diop  
Johnathan Beery  
Lisa Roberson  
Oskar Grande  
Richard Stacy  
Gary Romain

Opposed to the Project

Jillen Doroan  
Kellie Seringer  
Heidi Sokolowsky  
Ian Green  
Ron Slayen  
Mike Sagalowitz

Jeremy Nelson (no position)

Planning Commissioners: Bradford Bell, Antonini, Hughes, W. Lee, S. Lee Olague

Case planner: Mat Snyder

cc: Linda Avery

MMS: G:\CASES2004\18TH3150 - DRMemo.doc

190165

**From:** Elizabeth Chur <elizabethchur@gmail.com>  
**Sent:** Monday, July 22, 2019 11:59 AM  
**To:** Major, Erica (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Haney, Matt (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3  
**Attachments:** ActivSpace comment - 7-22-19.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Committee Members:

Attached please find my comment regarding today's agenda item #3 about ActivSpace (3150 18<sup>th</sup> Street). Thank you.

With best wishes,

Elizabeth Chur

Elizabeth Chur  
Communications & Grantwriting Consultant  
(415) 552-5370  
[elizabethchur@gmail.com](mailto:elizabethchur@gmail.com)

July 22, 2019

Dear Land Use and Transportation Committee Members:

My name is Elizabeth Chur, and I am a freelance medical writer and ActivSpace tenant since 2008. I am a 25-year resident of San Francisco, and have been the sole proprietor of my woman-owned, minority-owned business for 15 years. I provide professional services to nonprofits, and write grant reports and proposals for Zuckerberg San Francisco General Hospital, the UCSF Foundation, and Stanford.

I greatly appreciate Supervisor Ronen's efforts to allow many personal services tenants to remain at ActivSpace. However, there are a small handful of long-term tenants like myself – who are either nonprofits or serve nonprofits – who are facing the threat of eviction. To preserve the economic diversity of our city and protect our livelihoods, **I respectfully request that you amend the proposed legislation to allow non-technology firm tenants to participate in the legitimization program without undergoing mandatory discretionary review, and to grant us the same 10-year amnesty period that personal services tenants would be eligible for.**

The Office of Small Business informed me that mandatory discretionary review could cost \$14,000 or more, with no guarantee of being allowed to remain at ActivSpace. Even if "office use" tenants like me were approved under this costly process, the Planning Commission has recommended that we only be eligible for a three-year amnesty period. That short extension combined with the exorbitant cost effectively puts the process out of reach for a sole proprietor like me.

As you know, it is increasingly difficult for small businesses to survive in San Francisco's challenging economy. I understand the need to preserve spaces for artists, and to protect them against the encroachments of technology firms and other large businesses. However, in this situation, sole proprietors like myself are subject to the same zoning restrictions as huge firms like Google and Facebook. Yet my financial resources are miniscule compared to the tech giants that are driving escalations in the real estate market. If I lose my unit at ActivSpace, there are very few affordable alternatives, and there will be serious consequences for my livelihood:

- **Extremely limited supply of micro-offices:** I keep my business financially sustainable by running a very lean, low-overhead operation. My unit at ActivSpace is 100 square feet. There is nothing else in San Francisco at this price point and square footage. In my work with a commercial real estate broker, the smallest comparable rental spaces we have found start at 250 square feet, and cost twice as much. There is very little inventory of micro-offices in San Francisco, and this lack of supply has been intensified by recent zoning changes on Mission Street.

Most landlords don't even rent out such small spaces, since it's the same amount of work to negotiate a lease for 100 square feet as it is for 20,000 square feet. Becoming a subtenant of a law firm or other larger office carries the risk of getting bumped as soon as the master tenant needed the space for one of their own employees.

I don't need the high-priced amenities bundled into the price of most "full-service" office buildings, such as a common kitchen, conference room access, shared printer and copier, and janitorial services. Part of what makes ActivSpace affordable is its bare-bones facilities: I have my own printer and mini-fridge, and empty my own trash.

- **Co-working does not work for all businesses:** Co-working can be ideal for startups, but I have an established business and need long-term stability and privacy. I currently have a fully enclosed office with a lockable door, where I can securely leave my computer and confidential files. My office is quiet, and I can write without visual distractions or noise. I have an ergonomic workstation with a large monitor and external keyboard, as well as a landline, which I need to record telephone interviews with optimal sound quality.
- **Working from home is not an option:** When I first started my business, I worked from home for three years, which was difficult living in a small studio. In 2016 I underwent an owner move-in eviction, and now rent an even smaller studio with only 350 square feet. It is not possible to operate my business out of my home. My housing costs also tripled, making it even more important to contain my business expenses.

I understand the importance of preserving affordable space for artists and makers in San Francisco. However, there is also a critical need for small, affordable offices in the city accessible to sole proprietors. We are important contributors to the economic and cultural diversity of the city's ecosystem. **I strongly urge you to broaden the scope of the proposed legislation to allow the handful of non-technology small businesses to apply for legitimization without undergoing mandatory discretionary review.**

If this is not possible, I respectfully request that you grant a fee waiver to make mandatory discretionary review a viable option. Failing both these options, please give tenants who will be evicted a one-year transition period to reduce the amount of disruption to our businesses.

Thank you for your consideration.

Sincerely,

Elizabeth Chur  
[elizabethchur@gmail.com](mailto:elizabethchur@gmail.com)  
(415) 552-5370

190165

**From:** Greg Jowdy <greg@gregjowdytherapy.com>  
**Sent:** Monday, July 22, 2019 12:05 PM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Major;

I am writing to ask the Committee to pass Supervisor Ronen's Business Legitimization Legislation. I am unable to attend the public comment today; I've traveling, visiting family on the East Coast.

I operate a small psychotherapy practice out of Activspace where I am proud to serve low and modest income individuals. Restaurant workers overcoming addiction. Single mom's overcoming trauma after abusive relationships. College students, who are self supporting, overcoming the early death of a parent. Individuals struggling to pay rent, yet find \$40 to \$90 a week for therapy.

With out the unique amenities and low rent at Activspace, simply put, I'd have to close up shop and move to the financial district where I'd be more convenient to individuals who can afford \$200 per session.

I am also a resident and homeowner in the Mission (since 2004) and am the father of two children, one of whom attends public elementary school in the neighborhood.

Activspace has evolved to fill a health services niche for a reason; because it is needed. Supervisor Ronen's legislations allows it to continue to do so, as a gap filler, until the city comes up with other solutions for individuals at this income level.

Please thank the committee for their time and attention to this matter.

Sincerely, Greg Jowdy

190165

**From:** Zuniga, Sandra (DPW)  
**Sent:** Monday, July 22, 2019 12:22 PM  
**To:** Major, Erica (BOS)  
**Subject:** FW: 7/22/19 land use committee activspace legislation #190165

Hi Erica:

This was sent to Mayor Breed.

Thank you,  
Sandra

-----Original Message-----

**From:** brittany ramus <brittanyramus@gmail.com>  
**Sent:** Monday, July 22, 2019 9:43 AM  
**To:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>  
**Subject:** 7/22/19 land use committee activspace legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello mayor! I have been a tenant of the activspace building running my small business for the last 9 years. I was never made aware that the building was not properly zoned for my hair salon until very recently by the city. I even asked specifically when I moved in, if there was any additional permits or pre requisite to conduct my business the day I signed the paper to move in. I was told no. I understand the importance of preserving PDR space in SF, however the building is largely vacant. This tells me that there isn't a large need for PDR as there is for affordable small business spaces for someone like myself, a single mother, can have a business and support myself and family in a very competitive and expensive city.

I am a Bay Area Native and having my small Business in the building has made the difference of me being able to stay in my home and be near my family. I have no other affordable options at this point. It is very important to me and many many other that this legislation to allow us to stay, passes. If it does not pass, not only will I have to close my business. It will likely end the ability for me and my family to stay in San Francisco any longer. Please consider us. Thanks you so much for reading.

-Happy trails to you

190165

**From:** Iris Starr <irisstarr@gmail.com>  
**Sent:** Monday, July 22, 2019 10:20 PM  
**To:** Major, Erica (BOS); Donovan, Dominica (ECN)  
**Subject:** 7/23/2019 Activespace Project Legitimization - Support

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

For the Supervisors who will vote on this legislation on July 23rd, 2019

Please support the ten year extension proposed by Supervisor Ronen for the Activespace Project.

There seems to be a need to look into project permitting in this type of zone. The project that was designed and approved does not provide space for the uses allowed by the zoning regulations. With the exception of arts activities, business services, and cat boarding, the space is generally unable to accept the uses named below.

**Production, Distribution, and Repair uses:** *A grouping of uses that includes, but is not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital, Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Cat Boarding, Catering, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and Wholesale Storage.*

Thank you.

--  
iris starr

*"If you are neutral in situations of injustice, you have chosen the side of the oppressor."*  
- Desmond Tutu

190165

**From:** Katie Thomas <katiemthom@gmail.com>  
**Sent:** Tuesday, July 23, 2019 8:21 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** Re: ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Mayor Breed and Supervisors,

I want to reiterate my support for the providers at ActivSpace who are currently fighting a battle over the zoning of their workspace.

I've been a client of one of these providers for years, and her services are essential to my health and wellbeing. I haven't found another provider like her in the city.

I imagine that right now is a particularly difficult time to be a small business owner in San Francisco, given the cost of space and labor. We need to do what we can to support those small businesses that are already here.

Katie

190165

**From:** Katie Thomas <katiemthom@gmail.com>  
**Sent:** Tuesday, July 23, 2019 8:21 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed; Mayor London (MYR)  
**Subject:** Re: ActivSpace Legislation #190165

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Hello Mayor Breed and Supervisors,

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I've been a client of one of these providers for years, and her services are essential to my health and wellbeing. I haven't found another provider like her in the city.

I imagine that right now is a particularly difficult time to be a small business owner in San Francisco, given the cost of space and labor. We need to do what we can to support those small businesses that are already here.

Katie

190165

**From:** emiko oye <emikooreware@gmail.com>  
**Sent:** Monday, July 22, 2019 1:00 PM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Erica,

I am writing to you regarding 7/22/2019 Land Use Committee, ActivSpace Legislation #190165. I am a long-term patron of many of the businesses in the building and I would like to see them be able to stay. This city has become too expensive for many small businesses to stay in business and with out a space like ActivSpace many will need to move out of SF. No one wins in this situation. This is changing the diverse and creative culture of our beloved city - please consider this in your meetings this week.

Sincerely,  
emiko oye  
(I too am a small business owner and property owner)

190165

---

**From:** Debra Baida <debrabaida@gmail.com>  
**Sent:** Tuesday, July 23, 2019 8:00 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and Board of Supervisors,

I am writing in support of granting amnesty to non-PDR business to stay at ActivSpace.

These small business owners are vital to our community. The community they have created at ActivSpace is likely unlike any other work space. They are providing services and well-being to countless San Francisco residents, myself included, a San Francisco small business owner who works out of her flat.

At a time when traditional retail and commercial rental spaces are cost-prohibitive to anyone but corporations and those with funds from angel investors, it's time for the City to be open to altering how small businesses can survive and thrive in this town.

Please join me and countless others in supporting their businesses, their customers, and the positive ripple effects their work has beyond the walls in which they operate.

Thank you.

Sincerely,  
Debra Baida

19065

**From:** Ronen, Hillary  
**Sent:** Monday, July 22, 2019 11:24 AM  
**To:** Major, Erica (BOS)  
**Subject:** Automatic reply: 7/22/2019 Land Use Committee, Public Comment Item #3

Thank you for your email.

It is my commitment to reply to every email I receive from my constituents, but unfortunately I am not always able to answer as quickly as I would like.

If you are writing with a request for non-emergency neighborhood services (such as park repairs, street and sidewalk cleaning and tree maintenance), please call 3-1-1.

If your request has not been addressed and you would like our office to follow up, I want you to receive a personal response from my office. Please call our constituent services team at [415-554-5144](tel:415-554-5144) with your 311 case number in hand.

If someone is in distress or it is an urgent matter, please call 911 for emergency personnel. To report the location of an encampment please call 311.

To request outreach from the Homeless Outreach Team please call 311 and request to be connected to HOT. Homeless Outreach Team members will respond but responses times vary – this is not a 24/7 resource. When calling to request assistance for a particular person please leave a detailed description of the person to assist the outreach team in identifying the person you are calling about.

If you wish to make a Request for Public Records or other request under the City's Sunshine Ordinance, please forward your request to Legislative Aide Carolina Morales at [carolina.morales@sfgov.org](mailto:carolina.morales@sfgov.org)

For all scheduling inquiries and requests, please contact Legislative Aide Amy Beinart at [amy.beinart@sfgov.org](mailto:amy.beinart@sfgov.org)

For any questions about legislation, Board of Supervisors meetings or the Public Safety and Neighborhood Services committee, please contact my Chief of Staff, Carolyn Goossen, at [carolyn.goossen@sfgov.org](mailto:carolyn.goossen@sfgov.org)

I and my three legislative aides are working hard every day to address the complex issues that District 9 neighborhoods face, including the crisis of street homelessness, lack of affordable housing, displacement of residents and businesses, and high crime. I appreciate your contacting me.

Sincerely yours,

Hillary

190165

**From:** Lewis Wallace <lewisw@gmail.com>  
**Sent:** Monday, July 22, 2019 11:32 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

I am writing to voice my support for the ActivSpace Legislation (#190165) that aims to preserve the businesses currently renting space in the building. I work for one of these companies, a small publisher and retailer that has been at ActivSpace for many years.

As a worker who might be affected, I sincerely hope the city agencies can come to an agreement that keeps all the businesses in place. I don't want to become unemployed, nor do I want my ActiveSpace neighbors' businesses to go bust.

As for my employer, I'm pretty sure there's nowhere in the city we could move our business and survive at this point, in light of the dramatic increase in real estate costs over the past few years.

I also hope you can figure out a system that allows "nonconforming" businesses to stay without forcing them to pay massive fees for inspections, paperwork, etc. The kind of outrageous fees I've heard thrown around -- in the thousands of dollars -- could put an end to the independent, family-run businesses that operate out of ActivSpace, just as forcing them to move prove catastrophic.

Thank you in advance for any help you can give the small businesses whose futures depend on maintaining their rentals at ActivSpace.

Sincerely,

Lewis Wallace  
4015 Folsom St.  
San Francisco, CA 94110

190165

**From:** erin hayes <erinsauce@gmail.com>  
**Sent:** Monday, July 22, 2019 11:33 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Morning,

**I'm writing in support of SF Legislation #190165. Please allow the small businesses of ActivSpace (3150 18th Street) to continue providing services there.**

My longtime hairdresser, Brittany Ramus (Pirate Salon), has been a tenant of Activspace for nearly a decade. She is professional, talented, offers reasonably priced services, and is a joy to work with. I have also frequented other unique services in Activspace (specialty pet treats, button maker); in each experience the owner's enthusiasm for his/her work shined through.

The small businesses of San Francisco need our support, and I respectfully request that you allow the tenants of ActivSpace to continue providing services there.

Thank you,  
Erin Hayes  
Citizen of District 9, San Francisco

190165

---

**From:** Jason Storm <jasonstorm415@gmail.com>  
**Sent:** Monday, July 22, 2019 11:40 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern: I am writing this letter in support of keeping local business in the activspace complex at 3150 18th st. If these businesses are forced to relocate many will not be able to continue, as it is not easy for a small business to find a space in SF these days. The Activspace complex houses many community minded businesses including the liberation institute, who provide sliding scale therapy to low income folks, a vital service that is much needed in our city. And that is just one of many! I urge you all to please do what you can to keep this vital community space zoned for small business. Thank you for your time,

Jason Storm

concerned san francisco citizen

190165

---

**From:** Kara Chavez <kara.chavez0@gmail.com>  
**Sent:** Monday, July 22, 2019 11:56 AM  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello! ActivSpace is important. It sets a precedent to support small business owners as well as artists. Heck, I get my hair done here by a single person who rents a small space from this great building.

I am in favor of the legislation passing to keep small businesses in ActivSpace. This makes a huge difference for my friends, community, hair dress and many other lives that will be horribly affected if this legislation doesn't pass.

Please consider keeping it open and affordable for small business owners!

190165

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**From:** Rebecca Wilson <rebeccaannewilson@gmail.com>  
**Sent:** Saturday, July 20, 2019 5:07 PM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

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Hello,

I urge you to allow the tenants of Activspace to continue being able to operate their small businesses. Removing the tenants would be a disaster for so many single-person businesses that are relying on the affordable rent and location that Activspace offers. I am not able to attend the relevant meetings in person but I wanted to make my opinion known as your constituent and as a tenant of Activspace. I own and operate a small private practice in psychotherapy out of my unit there. Thank you in advance.

Best,  
Rebecca Wilson, Psy.D.

190165

**From:** Abby Zimberg <abby.zimberg@gmail.com>  
**Sent:** Saturday, July 20, 2019 3:37 PM  
**To:** Peskin, Aaron (BOS); Safai, Ahsha (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); Ronen, Hillary; Haney, Matt (BOS); Breed, Mayor London (MYR); Yee, Norman (BOS); Fewer, Sandra (BOS); Shaman.Walton@sfgov.org; Major, Erica (BOS); MandelmanStaff, [BOS]; Brown, Vallie (BOS)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

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Hello all,

I have been volunteering as a therapist at Liberation Institute for several years now, it is currently renting 10 rooms in Activ Space. This low-cost counseling service for the community and training for future MFTs is essential to keep in the building. It is affordable for many, in an accessible location by BART and bus, and supports the local Mission area businesses. Likewise, the greater community supports the businesses in the building which would be hard-pressed to find affordable rent elsewhere. This is a major SF issue as you know. Anyone is free to leave if they wish.

As I see it, it is the building owner's fault that they illegally let in non PDR businesses, so they should be fined, the people who moved in should not be punished by eviction. That said, you need to let all the therapists and other practitioners stay in their office spaces, please, and waive the current land use requirement.

Thank you,  
Abby Zimberg, MA, MFA  
AMFT 77768

--

Registered Associate MFT 77768  
Supervised by Karen Palamos  
LMFT 38971  
New Perspectives Center for Counseling  
5026 Geary Boulevard  
94118

190165

**From:** Karen Wolfe, MFT <karenwolfetherapy@gmail.com>  
**Sent:** Saturday, July 20, 2019 2:22 PM  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.  
**Attachments:** Letter re Activspace.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

I have been renting suite 255, a rectangular 157 sq. foot space on the 2nd floor at Activspace since 2010. I am a licensed marriage and family therapist and 90% of the clients whom I see are families and children with learning, sensory, and social differences such as ADHD, Sensory Processing Disorder, and Nonverbal Learning Disorder. Activspace provides an affordable, clean, safe space for me to provide my services to the community. In 2012 I was pushed out of living in the city myself after my apartment burned down and I could not find a place to rent that I could afford. However, I have kept my therapy practice in the city as I love serving children and families here.

There are very few child therapists in San Francisco. A few years ago I took on an intern as all the therapists I had previously referred families to had full practices and could not help them out. And after my intern became full, I hired another, who consequently is now full as well. Children and families are desperate for therapeutic services in San Francisco. I continue to get inquiries daily from distressed parents seeking help. Myself and my two interns now all work out of my office at Activspace serving these children and families who struggle to find anyone else who can work with them. We offer therapy every day of the week. It is a small space to allow children to engage in play therapy but it works for us. Each day we support families and children to connect through everything from pillow fights to find laughter together, therapeutic board games to explore social skills, painting about feelings about divorce, and more. Keeping my play therapy practice at Activspace allows us to see over 30 children and families every week.

If we were forced to leave or pay a fee that my small sole proprietorship could not afford we may have to close our doors and these families would have nowhere to go. Furthermore, it is quite difficult to find any space in San Francisco in which to offer therapy to children, as many traditional therapy offices do not want children who will create noise through their play in the next room or in the waiting room. Activspace is a unique community that supports our work with children. I have had adults who work or get services at Activspace approach me and comment on how wonderful it is to see children around and being respected in the way we do.

My business is small, female-owned, and serves children and families in San Francisco with learning and emotional disabilities. They need us. They need this one stability in their lives. Allowing businesses like ours to stay at Activspace serves the local community far more than closing these services would.

Staying at Activspace matters so much to me that I reached out to my community to get some information to share with you about the other businesses at Activspace.

38 individuals participated

Of those:

- 34 are sole proprietors
- 20 are in the healing arts (licensed mental health providers, life coaches, counselors, and body workers)
- The rest are artists, architects, hair stylists, aestheticians, a dog trainer, and tattoo artists
- 31 work solely for themselves; 7 have 2-8 employees
- The communities these small businesses serve are wide: LGBTQ and Gender Non-conforming, Women in Tech., hair salons for people with autoimmune disorders and other sensitivities, mental health services for children, families, Latinx asylum seekers, People struggling with being HIV+, Spanish speakers, people of color, Medi-Cal recipients, low-income individuals, and artists
- 13 provide a bulk of their services to the LGBTQ+ community
- 7 provide mental health services to children and families

The businesses at Activspace *are* the heart and soul of what it means to be a San Franciscan. We are not big businesses with a lot of money. If you have never been to a safe space hair salon... well if we have to move out of Activspace most of us will have to shut down our business, because we are small businesses and we don't have a lot of money, and you may never get to experience a truly safe space while just getting your hair cut. Nor will the people who desperately *need* this space to be completely themselves.

I know there is a lot to consider in this decision, but I implore you, to please help protect small businesses like ours that are providing an invaluable service to the community. Thank you for your consideration.

Sincerely,  
Karen Wolfe, LMFT  
[karenwolfetherapy@gmail.com](mailto:karenwolfetherapy@gmail.com)  
415-420-9459  
[www.SFBayPlayTherapy.com](http://www.SFBayPlayTherapy.com)

-----  
Karen Wolfe, MA, LMFT  
Emotionally Focused and Intimacy Therapy for Couples  
Hand in Hand Parenting Certified Instructor

2220 Mountain Blvd, Montclair, Oakland, CA 94611  
3150 18th St, San Francisco, CA 94110

Business phone: 415-420-9459  
[Schedule a Consult](#)

Family and Child Play Therapy and Parenting Guidance: [www.SFBayPlayTherapy.com](http://www.SFBayPlayTherapy.com)  
Intimacy and depth Therapy for Individuals and Couples: [www.EmbodiedRelationshipTherapy.com](http://www.EmbodiedRelationshipTherapy.com)

*"Do not seek to follow in the footsteps of the wise.  
Seek what they sought."*

\* A note on email: You can expect a response within 24 hours of receipt on business days. If you have something urgent or need a faster response please text me at 415-420-9459

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190165

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**From:** Alex Cortez <stripes@gmail.com>  
**Sent:** Friday, July 19, 2019 10:57 PM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the members of the Committee,

I am writing in support of the small business owners who currently operate in the ActivSpace building at 3150 18th Street. If they are displaced, many of them would have to close, because there are no similar spaces available to rent. This would be catastrophic for them and for the small business ecosystem in the Mission District.

I urge the committee to do whatever it takes to help these small businesses survive. Start by helping them stay in the ActivSpace building.

Thank you,  
Alex Cortez

[stripes@gmail.com](mailto:stripes@gmail.com)

190165

**From:** Renee Pletka <renee@reneepletka.com>  
**Sent:** Friday, July 19, 2019 7:07 PM  
**To:** Renee Pletka  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I've been an ActivSpace tenant for seven years and was completely surprised to learn earlier this year that the building was only zoned for PDR. As integrity and honesty are two of my personal core values, I absolutely wouldn't have moved in had the building manager disclosed this information to me.

As a single, small-business owner in San Francisco, I struggle mightily to stay afloat financially. I continue to do the work I do—coaching and counseling individuals struggling with disordered eating and negative body image—because I'm committed to alleviating the unnecessary suffering our toxic diet culture causes.

Displacing all the non-PDR tenants at ActivSpace would truly have a devastating impact on our community—business owners and consumers alike. As so few of us can afford to pay a higher rent (I'm dreading ActivSpace's next rent increase), many of us will be forced to either leave the city or completely close our business. This would be a tremendous loss with far-reaching implications.

The ActivSpace building is full of hardworking people who, like myself, are trying their absolute best to provide affordable, life-enhancing services to our community members. It is my hope that you take us—and the thousands of people we serve—into deep consideration when voting on the proposed legitimization program proposed by Supervisor Ronen.

Thank you,  
Renee

—  
Renee Pletka  
Certified Intuitive Eating Counselor  
Certified Holistic Health + Eating Psychology Coach  
[renee@reneepletka.com](mailto:renee@reneepletka.com) | 415.806.9305  
[reneepletka.com](http://reneepletka.com)

190165

**From:** Austin Cummings <hcbbodywork@gmail.com>  
**Sent:** Sunday, July 21, 2019 4:56 PM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

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Greetings - I am a LGBT tenant and bodyworker at ActivSpace. I'm sure you are up to speed on the dire situation there. This has been one of the most stressful things I have been through in my adult life and I pray that you can see the gravity of this situation and the senselessness in throwing out so many small businesses.

ActivSpace is one of the only affordable options for a small-bodywork business like mine to work in the city. I've been a tenant there since 2012. My occupancy there has allowed me to continue to live in SF despite my housing costs increasing annually even though I live in a rent controlled building...the soft story retrofit alone mandated by the city alone has significantly increased my monthly expenses. If you can intervene in any way please protect the small businesses affected by this zoning debacle.

I don't want to have to leave San Francisco in order to work in Oakland or the East Bay where office space is more affordable.

**I ask the following:**

That you please allow the massage therapists, tattoo artists, and healing arts community to stay at ActivSpace and be allowed to practice.

Please vote yes on the legislation, so that the other personal service businesses in the building are not affected.

I feel that the city of SF will lose many dollars if clients cannot come to see practitioners at ActivSpace. This will affect my business and the many people that see therapists or body worker at ActivSpace and will no longer be able to receive mental care or physical therapy from that person.

This will decimate an entire group of working class people who will have no place else affordable to work. These businesses are small working-class businesses that, if forced to vacate, may have to close permanently.

This is a CRISIS and timing is critical, these people have been asked to vacate in less than a month. Please at the very least, give them more time to sort out a plan and relocation.

Thank you,

Austin Cummings

--

**Austin Cummings**

Bodyworker

(502) 410-1138

190165

**From:** Nicole Lancia <nicole@pilatesincommon.com>  
**Sent:** Sunday, July 21, 2019 2:39 PM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Erica Major,

Sole proprietors and small service-based businesses (non-PDR) are in desperate need of support and advocacy. We need to be recognized as a vulnerable population that requires immediate policy and zoning legislation to protect and preserve our local economy.

ActivSpace is the only affordable commercial rent in San Francisco for businesses of our scale. A 10-year amnesty program would only be a temporary solution. If ActivSpace is not available to us, then hundreds of small-scale businesses that provide invaluable services to low-income and moderate-income residents will be displaced from San Francisco.

Our vibrant community of valued mental health and service providers and solo-entrepreneurs feel the effects of gentrification. Our city is littered with vacant storefronts that are beyond our reach, yet ActivSpace gives us access to small, affordable units. ActivSpace allows sole proprietors and small service-based businesses to prosper economically, serve our community, and continue to preserve the spirit of our San Francisco.

The City's ecosystem is homogenizing; please help us protect our cultural diversity and keep San Francisco our permanent home. I strongly urge you to adopt the current legislation proposed by Hilary Ronen's office. Lastly, I'd like you to consider the need for policy and new zoning legislation to safeguard small non-PDR businesses from future displacement.

Sincerely,

Nicole Lancia  
Co-owner, Teacher  
Pilates in Common

190165

**From:** Nicole Lancia <nicole@pilatesincommon.com>  
**Sent:** Sunday, July 21, 2019 2:39 PM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3.

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Sincerely,

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Pilates in Common

190165

**From:** Donna Diamond <donnadiamond426@me.com>  
**Sent:** Sunday, July 21, 2019 12:17 PM  
**To:** Major, Erica (BOS)  
**Cc:** Brown, Vallie (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Stefani, Catherine (BOS); Walton, Shamann (BOS); Yee, Norman (BOS)  
**Subject:** Re: 7/22/2019 Land Use Committee, ActivSpace Legislation #190165 / Public Comment Item #3.

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To All Who Hold Our Fate in Their Hands,

I am making a heart felt request to all of you that you find a way to let those of us who are already located at ActivSpace remain. Our work rests on the possibility of remaining at the ActivSpace building. As you well know finding affordable, accessible space in San Francisco is next to impossible to find now a days in the City. Even though original agreements between the City & County of SF and the property owners at ActivSpace were violated, tenants at ActivSpace were unaware and mis-led to believe that there tenancy was secure & legal.

I also want to acknowledge & express my regrets that the guidelines set up originally by the City & County of San Francisco and the property owners of ActivSpace were not followed. I would have never agreed to move in if I had been made aware of this fact. I appreciate the predicament that has created over the years because of this violation of agreement. Unfortunately, I am a long-time renter at ActivSpace, that is now feeling the impact of these developments and have been anxious about my future as it pertains to whether I get to remain in the ActivSpace building or not.

I have rented a space at 3150 18th Street (ActivSpace) since 2011. I am a Somatic Life Coach working with folks that are in the process of building relationships and lives that are healthy, life affirming & satisfying. A vast majority (if not all) of my clients are People of Color (POC), LGBTTOQIAAP (lesbian, gay, bisexual, transgender, transsexual, queer, questioning, intersex, asexual, ally, pansexual), folks on Disability assistance and low-mid income people. Most of my clients have also had some type of trauma in their lives and are learning how to NOT have the effects of PTSD impact their entire lives.

I have a Business License from the City & County of SF, my original lease from 2011 with ActivSpace and more Training Certificates/Degrees & Acknowledgements for my experience & work then is practical to list here (see some below). I started my coaching practice in 2003. Before that I was the Executive Director of the Domestic Violence Consortium & Partners Ending Domestic Abuse here in the City. I personally am dedicated to extending my work to folks who need & want it - that may not otherwise be able to access it. I personally do not have the finances to relocate, cover moving expenses and continue to keep my fees accessible to the people I work with.

Please find a way to let tenants that are already located at ActivSpace remain without requiring unnecessarily difficult hoops to jump through or exorbitant fees to do so. We the tenants did not create this situation and are likely the folks that will (along with our clients) be most impacted by your decision on this matter.

Thank you for your time and consideration,  
Donna Diamond  
(415) 823-3911

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<ResumePR2011.docx>

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<CAR recognitions.pdf>

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[https://sfbos.org/sites/default/files/bag072319\\_agenda.pdf](https://sfbos.org/sites/default/files/bag072319_agenda.pdf)

190165

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[https://sfbos.org/sites/default/files/bag072319\\_agenda.pdf](https://sfbos.org/sites/default/files/bag072319_agenda.pdf)

**Donna Diamond**  
**Regenerative Coaching**  
[donnadiamond426@me.com](mailto:donnadiamond426@me.com)

**WORK EXPERIENCE**

**Principal** Regenerative Coaching. A Mind / Body Approach To Creating The Life You Want. Individuals, Couples, & Organizations. Somatic Practitioner, Trainer and Life Coach. My work focuses on understanding and healing trauma. I offer information and practices that support individuals to act from a more authentic understanding of themselves and create more effective ways of interacting with others. San Francisco, CA. 2003 to Present.

**Director & Community Organizer** *manalife* Violence Prevention Programs. Offered leadership for all aspects of operations of two gender based, peer re-education, violence prevention programs. Worked with violent offenders, survivors of trauma and teens who had experienced violence at home and in their communities. Pursued systemic change and policy development while acting as a community organizer and raising community awareness. Coordinated the creation and implementation of strategic (program/fiscal) planning and development. Coordinated, trained and facilitated community classes and training workshops for staff and community members/organizations. Provided supervision, support, and referrals to staff and community members. San Francisco, CA. 2002 to 2003. (*Consultant to program from 2003 to 2008*).

**Executive Director** S.F. Domestic Violence Consortium / Partners Ending Domestic Abuse. Provided leadership for all aspects of operations of two organizations with the shared goal of offering high quality, coordinated, and comprehensive services to individuals working to eliminate domestic violence from their lives. Pursued systemic change and policy development while acting as a community organizer and raising community awareness. Coordinated the creation and implementation of long-range, strategic (program/fiscal) planning and fundraising. Guided an integrated approach for community members, philanthropists, corporations, and city officials to join forces in their efforts to eliminate violence in S.F. Organized, developed and facilitated community workshops, forums and trainings. Provided supervision, support, and referrals to staff, volunteers and community members. San Francisco, CA. 1999 to 2001.

**Center Coordinator** Support for Families of Children with Disabilities. Coordinated all aspects of family resource center for families that have children with disabilities, and the professionals that serve them. Responsible for coordinating and evaluating fiscal/administrative reporting and program operations for collaborative of nine agencies. Provided on-site support to staff and volunteers. Developed and presented community education, outreach and trainings. Provided direct services to families and developed and maintained system of family follow-up. San Francisco, CA. 1994 to 1998.

**Administrator & Teacher** Country Day Little School. Assisted in fiscal, administrative and program management of a full inclusion preschool program. Worked with up to 40 students and their families. Supervised ten staff members. Palo Alto, CA. 1988-1990. (*Consultant to program from 1990 to 1994*).

**Co-Coordinator** San Mateo Women's Shelter. Developed, implemented and evaluated all aspects of shelter's fiscal, administrative and program operations. Trained and supervised seven staff members and over thirty volunteers; coordinated grant research, writing and compliance; designed and presented community education and outreach; and provided direct services to battered women and their children. San Mateo, CA. 1985 to 1988.

**Case Manager** Serenity, Inc. Maintained caseload of 25 chemically dependent individuals participating in residential treatment program. Provided individual, group, family and relationship counseling; provided necessary documentation for legal and social welfare agencies; conducted pre-admission interviews, assessments and in-takes. Redwood City, CA. 1983 to 1985.

**Lead Case Worker** St. George Homes, Inc. Responsible for designing, supervising and evaluating group and individual counseling, crisis intervention and behavior modification programs for clients in a residential program for schizophrenic/psychotic adolescents. Berkeley, CA. 1981 to 1983.

**Donna Diamond**  
**Regenerative Coaching**  
[donnadiamond426@me.com](mailto:donnadiamond426@me.com)

**COMMUNITY SERVICE WORK**

- Greenbook Initiative. Steering Committee, Founding Member, 2000-2003.
- Safe Starts Initiative. Advisory Council Member. 2000-2003.
- S.F. Family Violence Advisory Council, Steering Committee & Offenders' Sub Committee Member. 1999-2003.
- California Alliance Against Domestic Violence. "A Unified Voice." Regional Representative. 2001.
- Adult Sexual Assault Task Force. Task Force Member. 1999-2001.
- RSVP Advisory Committee. Survivors' Steering Committee Member. 1999-2001.
- Member of the Greater Bay Area Directors Task Force. 1999-2001.
- AWARE Program. Co-Founder and Advisory Committee Member. 1999-2001.
- Battered Immigrants' Advocates Network/Task Force. 1999-2000.
- San Francisco Health Plan Project. Task Force Member. 1999-2000.
- S.F. Dept. of Public Health, Women's Health Services Committee Member. 2000.
- Family Violence Prevention Act Hearings. Presenter. 1986.
- Office of Criminal Justice Planning. Investigation Hearings. Presenter. 1986.
- Office of Criminal Justice Planning. Advisory Board Member. 1986.
- San Mateo Women's Shelter. Volunteer. 1977-1980. Board Member 1985-1989.
- Project Self Sufficiency. Board Member. 1985.

**EDUCATION/TRAINING**

- On Injury & Repair, Sponsored by the Women's Therapy Center at Preservation Park. Oakland, CA. 2011
- Somatics & Trauma: Advanced Training. Staci Haines & Denise Benson, Trainers. POH Center, SF, CA. 2005, 2004.
- Somatics & Trauma. Staci Haines & Denise Benson, Trainers. Feldenkrais Resource Center. Berkeley, CA. 2003, 2002
- Somatics & Trauma. Staci Haines, Trainer. San Francisco, CA. 2001, 2000.
- Certified Batterer's Intervention Certification, manalive Violence Prevention Programs San Francisco, CA. 2003
- Intimate Partner Violence & Harm Reduction Training, Harm Reduction Training Institute, Oakland, CA. 2002
- Masters Program, California State University, Hayward. June 1984 ~ Course work completed for M.S., Community Mental Health
- B.A., California State University, Hayward (Psychology / Special Interest: Women's Studies) June 1982 ~ Degree Conferred

**PRESENTATIONS/TRAININGS GIVEN**

- Preventing Secondary Trauma. Life Long Learning Center, Medical Staff Training ~ San Rafael, CA 2005
- Understanding Trauma: Individual & Community Healing. North Marin County Mental Health, Clinical Staff Training ~ Pt. Reyes, CA 2004
- Somatics & Trauma. Parental Stress Service Clinical Staff Training ~ Oakland, CA 2004
- Communication for Professional Helpers. Access Unit Staff Training ~ Contra Costa Co., CA 2004
- Effectiveness & Communication Training for Para-Professionals. Healthy Partnerships / House of Acts Collaborative Staff Training ~ Point Benita, CA. 2003
- University of San Francisco's "Take Back the Night Training". S.F., CA. 2003
- California State Probation Officers Conference. Global Nature of Violence: Cultural Diversity ~ Same Gender Violence ~ Concord, CA. 2003
- Greater Bay Area Child Abuse Prevention Council Coalition, Local Initiatives Addressing Domestic Violence & Child Abuse. Current & Emerging Issues in Child Abuse Conference ~ Fort Mason Conference Center S.F., CA. 2002
- S.F. Family Violence Advisory Council, Strategic Planning. SF, CA 2001.
- Greater Bay Area Directors. "Unified Voice: Attempting to Unify our State Coalitions". Facilitator. 2000.
- Dept. of Human Services. "Blocking Barriers~Building Bridges: Domestic Violence & Child Abuse Training." Seven Hills Conference S.F., CA. 2000.
- Dept. of Human Services. Disability Training. "Children with Disabilities & Their Families." 1994.
- University of California S.F. Medical Center, Grand Rounds Training. "Children with Disabilities and Their Caregivers." 1993, 1994.
- Northern California Coalition. Social, Clinical & Legal Issues Conference, Moraga, CA. "Battered Women's Alternatives." 1986.
- Gay and Lesbian Survival Conference, San Francisco Women's Building, San Francisco, CA. Conference Design Committee. 1986
- Family Violence Project / S.F. District Attorney's Domestic Violence & Cross Cultural Awareness Conference, San Francisco, CA. Conference Implementation Task Force. 1985.



*California State Assembly*

Certificate Of  
**Recognition**

PRESENTED TO:

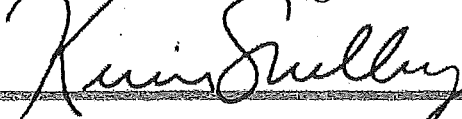
*Donna Diamond*

IN HONOR OF:

Your Extraordinary Dedication To Increasing  
Community Awareness Of Domestic Violence Issues As  
Executive Director of "Partners Ending Domestic Abuse."

October 25, 2001

*Kevin Shelley*



MEMBER OF THE ASSEMBLY

12th ASSEMBLY DISTRICT  
CALIFORNIA STATE LEGISLATURE





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CERTIFICATE OF RECOGNITION

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*Donna Diamond*

*In honor of your many years of committed service to the domestic violence prevention community and your outstanding leadership, vision and contributions as Executive Director of Partners Ending Domestic Abuse and the San Francisco Domestic Violence Consortium.*

*Your honesty, spunk and determination are tremendous virtues.  
Donna, keep fighting the good fight! We're all depending on you.*

*Jackie Speier  
State Senator  
8th Senate District*

Donna Diamond  
Regenerative Coaching  
[donnadiamond426@me.com](mailto:donnadiamond426@me.com)

Recognized locally and nationally for her leadership and experience, Donna Diamond has spent over two decades working to support human potential and encourage community strength. She offers a pragmatic understanding of organizational health, community organizing and collaborative decision making. Her passion is working with individuals, couples, families, and communities to clarify their heartfelt goals and create meaningful ways to attain them.

Donna has worked in a wide variety of settings developing strategies that have optimized organizational structure and improved communication. Her work has helped numerous organizations to better serve their clients through a deeper understanding of the people they are serving. These settings have included family violence organizations, early childhood education facilities, mental health clinics, medical centers and residential treatment programs. She has directed her efforts toward the development, organization, and facilitation of new models for multidisciplinary teams to work together. Her work has focused on complex community issues such as violence, accountability, cultural perspective, parenting, health care, civil rights, access to information, resources and education.

She has enjoyed working with many exceptional organizations including WestEd, Open Gate, Men Overcoming Violence, S.F. Sheriff's Department, California Alliance Against Domestic Violence, S.F. Department of Public Health, S.F. Unified Family Courts, Blue Shield of California, San Francisco Health Plan, S.F. Department of Human Services, S.F. Unified School District, Shalom Bayit, Commission on the Status of Women, Generation 5, U.C.S.F Medical Center, California Pacific Medical Center and S.F. State University.

Donna is a native of the Bay Area and lives in San Francisco with her 21 year old son.

**Donna Diamond**  
**Regenerative Coaching**  
[donnadiamond426@me.com](mailto:donnadiamond426@me.com)

**WORK EXPERIENCE**

**Principal** Regenerative Coaching. A Mind / Body Approach To Creating The Life You Want. Individuals, Couples, & Organizations. Somatic Practitioner, Trainer and Life Coach. My work focuses on understanding and healing trauma. I offer information and practices that support individuals to act from a more authentic understanding of themselves and create more effective ways of interacting with others. San Francisco, CA. 2003 to Present.

**Director & Community Organizer** *manalife* Violence Prevention Programs. Offered leadership for all aspects of operations of two gender based, peer re-education, violence prevention programs. Worked with violent offenders, survivors of trauma and teens who had experienced violence at home and in their communities. Pursued systemic change and policy development while acting as a community organizer and raising community awareness. Coordinated the creation and implementation of strategic (program/fiscal) planning and development. Coordinated, trained and facilitated community classes and training workshops for staff and community members/organizations. Provided supervision, support, and referrals to staff and community members. San Francisco, CA. 2002 to 2003. (*Consultant to program from 2003 to 2008*).

**Executive Director** S.F. Domestic Violence Consortium / Partners Ending Domestic Abuse. Provided leadership for all aspects of operations of two organizations with the shared goal of offering high quality, coordinated, and comprehensive services to individuals working to eliminate domestic violence from their lives. Pursued systemic change and policy development while acting as a community organizer and raising community awareness. Coordinated the creation and implementation of long-range, strategic (program/fiscal) planning and fundraising. Guided an integrated approach for community members, philanthropists, corporations, and city officials to join forces in their efforts to eliminate violence in S.F. Organized, developed and facilitated community workshops, forums and trainings. Provided supervision, support, and referrals to staff, volunteers and community members. San Francisco, CA. 1999 to 2001.

**Center Coordinator** Support for Families of Children with Disabilities. Coordinated all aspects of family resource center for families that have children with disabilities, and the professionals that serve them. Responsible for coordinating and evaluating fiscal/administrative reporting and program operations for collaborative of nine agencies. Provided on-site support to staff and volunteers. Developed and presented community education, outreach and trainings. Provided direct services to families and developed and maintained system of family follow-up. San Francisco, CA. 1994 to 1998.

**Administrator & Teacher** Country Day Little School. Assisted in fiscal, administrative and program management of a full inclusion preschool program. Worked with up to 40 students and their families. Supervised ten staff members. Palo Alto, CA. 1988-1990. (*Consultant to program from 1990 to 1994*).

**Co-Coordinator** San Mateo Women's Shelter. Developed, implemented and evaluated all aspects of shelter's fiscal, administrative and program operations. Trained and supervised seven staff members and over thirty volunteers; coordinated grant research, writing and compliance; designed and presented community education and outreach; and provided direct services to battered women and their children. San Mateo, CA. 1985 to 1988.

**Case Manager** Serenity, Inc. Maintained caseload of 25 chemically dependent individuals participating in residential treatment program. Provided individual, group, family and relationship counseling; provided necessary documentation for legal and social welfare agencies; conducted pre-admission interviews, assessments and in-takes. Redwood City, CA. 1983 to 1985.

**Lead Case Worker** St. George Homes, Inc. Responsible for designing, supervising and evaluating group and individual counseling, crisis intervention and behavior modification programs for clients in a residential program for schizophrenic/psychotic adolescents. Berkeley, CA. 1981 to 1983.

**Donna Diamond**  
**Regenerative Coaching**  
[donnadiamond426@me.com](mailto:donnadiamond426@me.com)

**COMMUNITY SERVICE WORK**

- Greenbook Initiative. Steering Committee, Founding Member, 2000-2003.
- Safe Starts Initiative. Advisory Council Member. 2000-2003.
- S.F. Family Violence Advisory Council, Steering Committee & Offenders' Sub Committee Member. 1999-2003.
- California Alliance Against Domestic Violence. "A Unified Voice." Regional Representative. 2001.
- Adult Sexual Assault Task Force. Task Force Member. 1999-2001.
- RSVP Advisory Committee. Survivors' Steering Committee Member. 1999-2001.
- Member of the Greater Bay Area Directors Task Force. 1999-2001.
- AWARE Program. Co-Founder and Advisory Committee Member. 1999-2001.
- Battered Immigrants' Advocates Network/Task Force. 1999-2000.
- San Francisco Health Plan Project. Task Force Member. 1999-2000.
- S.F. Dept. of Public Health, Women's Health Services Committee Member. 2000.
- Family Violence Prevention Act Hearings. Presenter. 1986.
- Office of Criminal Justice Planning. Investigation Hearings. Presenter. 1986.
- Office of Criminal Justice Planning. Advisory Board Member. 1986.
- San Mateo Women's Shelter. Volunteer. 1977-1980. Board Member 1985-1989.
- Project Self Sufficiency. Board Member. 1985.

**EDUCATION/TRAINING**

- On Injury & Repair, Sponsored by the Women's Therapy Center at Preservation Park. Oakland, CA. 2011
- Somatics & Trauma: Advanced Training. Staci Haines & Denise Benson, Trainers. POH Center. SF, CA. 2005, 2004.
- Somatics & Trauma. Staci Haines & Denise Benson, Trainers. Feldenkrais Resource Center. Berkeley, CA. 2003, 2002
- Somatics & Trauma. Staci Haines, Trainer. San Francisco, CA. 2001, 2000.
- Certified Batterer's Intervention Certification, manaliva Violence Prevention Programs San Francisco, CA. 2003
- Intimate Partner Violence & Harm Reduction Training, Harm Reduction Training Institute, Oakland, CA. 2002
- Masters Program, California State University, Hayward. June 1984 ~ Course work completed for M.S., Community Mental Health
- B.A., California State University, Hayward (Psychology / Special Interest: Women's Studies) June 1982 ~ Degree Conferred

**PRESENTATIONS/TRAININGS GIVEN**

- Preventing Secondary Trauma. Life Long Learning Center, Medical Staff Training ~ San Rafael, CA 2005
- Understanding Trauma: Individual & Community Healing. North Marin County Mental Health, Clinical Staff Training ~ Pt. Reyes, CA 2004
- Somatics & Trauma. Parental Stress Service Clinical Staff Training ~ Oakland, CA 2004
- Communication for Professional Helpers. Access Unit Staff Training ~ Contra Costa Co., CA 2004
- Effectiveness & Communication Training for Para-Professionals. Healthy Partnerships / House of Acts Collaborative Staff Training ~ Point Benita, CA. 2003
- University of San Francisco's "Take Back the Night Training". S.F., CA. 2003
- California State Probation Officers Conference. Global Nature of Violence: Cultural Diversity – Same Gender Violence ~ Concord, CA. 2003
- Greater Bay Area Child Abuse Prevention Council Coalition, Local Initiatives Addressing Domestic Violence & Child Abuse. Current & Emerging Issues in Child Abuse Conference ~ Fort Mason Conference Center S.F., CA. 2002
- S.F. Family Violence Advisory Council, Strategic Planning. SF, CA 2001.
- Greater Bay Area Directors. "Unified Voice: Attempting to Unify our State Coalitions". Facilitator. 2000.
- Dept. of Human Services. "Blocking Barriers-Building Bridges: Domestic Violence & Child Abuse Training." Seven Hills Conference S.F., CA. 2000.
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Donna Diamond  
Regenerative Coaching  
[donnadiamond426@me.com](mailto:donnadiamond426@me.com)

REFERENCES

Staci Haines (415) 285-6658  
Somatics & Trauma  
Founder, Director  
Generation Five  
2 Massasoit Street  
San Francisco, CA 94110

Hamish Sinclair (415) 861-8614  
Direct Supervisor  
Executive Director & Founder  
*manalive* Violence Prevention Programs  
3338 17th Street, Suite 202  
San Francisco, CA 94110

Ed Reed (510) 693-4267  
The Art & Practice of Living Well  
Founder, Trainer  
421 30th Street  
Richmond, CA 94804

Beverly Upton (415) 626-8709  
Direct Supervisor  
Executive Director  
SF Domestic Violence Consortium &  
Partners Ending Domestic Abuse  
383 Rhode Island Street, Suite 304  
San Francisco, CA 94103

Juno Duenas (415) 282-7494  
Direct Supervisor  
Executive Director  
Collaborative Board Member  
Support For Families of Children with Disabilities  
2601 Mission Street, Suite 710  
San Francisco, CA 94110

Helaine Weinstein (415) 255-3415 or (415) 206-7612  
Collaborative Board Member  
Senior Psychiatric Social Worker  
Mental Health Supervisor  
Dept. of Public Health, Community Mental Health Services  
1380 Howard Street, 5th Floor  
San Francisco, CA 94103



PRESENTED TO:

*Donna Diamond*

IN HONOR OF:

Your Extraordinary Dedication To Increasing  
Community Awareness Of Domestic Violence Issues As  
Executive Director of "Partners Ending Domestic Abuse."

October 25, 2001

*Kevin Shelley*

A handwritten signature of Kevin Shelley in black ink.

MEMBER OF THE ASSEMBLY

12th ASSEMBLY DISTRICT  
CALIFORNIA STATE LEGISLATURE





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CERTIFICATE OF RECOGNITION

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*Donna Diamond*

*In honor of your many years of committed service to the domestic violence prevention community and your outstanding leadership, vision and contributions as Executive Director of Partners Ending Domestic Abuse and the San Francisco Domestic Violence Consortium.*

*Your honesty, spunk and determination are tremendous virtues.  
Donna, keep fighting the good fight! We're all depending on you.*

*Jackie Speier*

*State Senator*

*8th Senate District*

190165

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**From:** Jessica Griffith <jessicagriffith014@gmail.com>  
**Sent:** Sunday, July 21, 2019 12:06 PM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3 (Please Allow Shannon to Stay!)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

My husband and I have been clients of Shannon Archuletta for 7 years now. She is an outstanding professional, community member, and friend.

I would like to request that she remain able to use her existing space.

Thank you,  
Jessica

190165

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**From:** eileen <neodolatelna@gmail.com>  
**Sent:** Sunday, July 21, 2019 8:47 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

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To whom it may concern,

I have been a renter at Activ Space for about 3 years now. I have a coaching business where I help people with anxiety and communication skills around intimate and romantic relationships. Over the years I have helped many individuals feel more at ease with themselves and have better relationships. It is important to me that my work is accessible to all, so I offer sliding scale spots. Activ Space's rent makes that a possibility for me. With rising rents in San Francisco, it's been harder and harder for a small business owner like myself to thrive. I know many other business owners at Activ Space in my position. If we lost the use of this building it would not just impact all the businesses but all the clients we serve as well. Please please consider letting us stay.

Thank you for your time.

Warmly,  
Eileen Chao

190165

**From:** Christopher Bernschein <christopherbernschein@gmail.com>  
**Sent:** Saturday, July 20, 2019 7:43 PM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Cc:** Fiona Walsh  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern,

I am a current tenant in the ActivSpace building at 3150 18th Street. The office supports two psychotherapists (myself and another) who provide counseling to diverse clients, many of whom benefit from sliding scale rates for therapy services. The relatively inexpensive rent at ActivSpace allows us to provide lower cost counseling to populations that would not otherwise be able to afford it. Currently, based on our research, there are no other office situations available in the city that can compete with the rates offered at ActivSpace. If the city determines that the building cannot continue to provide space for psychotherapy, there will be personal hardship for those of us who have spent a significant amount of money furnishing the office space and building a business at this location. Further, availability of full-time office space conducive to therapy services is very limited in San Francisco. There are some options for sublets of a day or two at different locations, but at a greater price than we currently pay and not for a dedicated full-time office, especially in the Mission and in surrounding areas.

One solution would be to allow current tenants who offer psychotherapy services to remain in the building indefinitely, while the city works with the landlord to ensure new tenants meet zoning requirements. Even better, I urge the city to change the building's zoning to allow for a variety of uses, including therapy. Please consider the negative impacts to existing tenants and the clients served when determining a solution. Respectfully, Christopher Bernschein

190165

**From:** John Hanig <johnhanig@gmail.com>  
**Sent:** Monday, July 22, 2019 12:36 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

As a small client-based business owner who is one of many other small client-based business owners who work out of ActivSpace (3150 18th St), I am writing this email to urge for zoning changes to be made to support us with being able to continue to do business as usual at ActivSpace without the need for relocation. As a Licensed Marriage & Family Therapist working in private practice, I regularly serve many lower income LGBTQ+ People of Color who live in San Francisco, through Medi-Cal San Francisco Health Plan, providing services in English, Spanish, & Brazilian Portuguese. I also serve about 4 new LGBTQ+ asylum cases per month at a reduced fee to support undocumented LGBTQ+ people in the Bay Area with the asylum application process in hopes to obtain legal immigration status. I would not be able to serve these marginalized populations if it were not for the affordability of ActivSpace & the convenient location for many of my clients rely on public transportation to access my mental health services. San Francisco is currently facing a crisis in which affordable office space for small client-based business owners is scarcer than ever, & ActivSpace has served as an invaluable resource for those of us who wish to provide services to support diversity in our city. Please support us with staying at ActivSpace!!

Thanks,

**John Hanig, LMFT #97209**

Psychotherapy, Expressive Arts Therapy, & EMDR (English / español / português)  
specializing in Queer, Gay, Bisexual, & Transgender Individuals & Couples

[www.HoneyArtsTherapy.com](http://www.HoneyArtsTherapy.com)

3150 18th St, Suite 207, Mailbox 115 / San Francisco, CA 94110 (Mission District)  
(415) 756-6880

preferred pronoun: they/them

schedule an appointment online at: [honeyarts.clientsecure.me](http://honeyarts.clientsecure.me)

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19065

**From:** David Lloyd <specialagentlloyd@yahoo.com>  
**Sent:** Monday, July 22, 2019 8:07 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Ma, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** Land Use Committee #190165 ActivSpace 7.22.19:  
**Attachments:** Ronan Letter #1.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Members of The SF Land Use Committee:

I differ from many of the speakers who will be heard today, in that I am an office space tenant.

The decision to move my business into San Francisco in 2017 was made because ActivSpace is an affordable arts friendly space.

I am a Performing Arts and Music Booking Agent.

I have been working in the performing arts for 35 years. My clients have included Grammy Winners, NEA Masters and, Kennedy Center Honorees And I have worked with esteemed venues such as SFJAZZ, Lincoln Center and even The White House.

The information I've received from the City describes PDR ARTS USE as:

*(EXCERPTED) A retail Entertainment, Arts and Recreation establishment It shall include commercial arts and art-related business services*

It's my belief that I qualify as PDR but it remains unclear if the City will view it that way. I have been led to believe by the City that I should expect to be evicted as an office use Which is why I will be there with my colleagues today.

My office space is in on the 4<sup>th</sup> floor. It is approximately 10 feet x 10 feet It has one window and a small sink with only cold water. In fact most units do not have hot water. The temperature is often hot and the space has no air conditioning, dedicated ventilation or exhaust system other than the window. It is a no frills office. It is not a production space.

Currently there are roughly 8-10 open spaces on my floor. It appears there are a similar number of empty units on the other floors.

While I applaud the instinct to protect the limited PDR space in our City, I question the wisdom of displacing so many existing small businesses with the assumption these spaces will all be filled by PDR uses. Clearly no PDR use tenants are flocking to the already available spaces.

Many of the approved PDR uses are completely impractical in most spaces other than perhaps the ground floor.

Among the impractical PDR uses listed for 2<sup>nd</sup>—5 floor use: *Ambulance Services, Automotive Service Station, Automotive Repair, Automotive Wash, Commercial Storage, Motor Vehicle Tow Service, Livery Stable, Public Utilities and Storage Yard.*

encourage the committee to visit ActivSpace to actually see the layout and structure of this facility and examine the practicality of renting the upper floor exclusively for PDR use

And more importantly to see the small businesses utilizing this facility and assess the severe damage you'll be doing to one group of small businesses while attempting to help another.

I have attached a copy of my original letter to Supervisor Ronan.

Thank you.

David Lloyd

ActivSpace Tenant

1083 York Street  
San Francisco CA 94110  
April 3, 2019

Supervisor Hillary Ronen  
SF City Hall  
1 Dr. Carlton B Goodlett Place  
Room 244  
San Francisco CA 94102-4689

VIA USPS

Dear Supervisor Ronen,

I am a licensed San Francisco independent business and a tenant at ActivSpace at 3150 18<sup>th</sup> Street in the Mission.

I am writing to ask to be included among the small businesses that are currently under consideration for exemptions to eviction for zoning violations committed by ActivSpace.

My decision to move my business into San Francisco was because ActivSpace actively promoted their business as an affordable arts friendly space. I am an arts business and qualify for an exemption based on the following description of approved businesses:

***Arts Activities.** A retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: dance; music; dramatic art; film; video; graphic art; painting; drawing; sculpture; small-scale glassworks; ceramics; textiles; woodworking; photography; custom-made jewelry or apparel; and other visual, performance, and sound arts and craft. It shall exclude accredited Schools and Post-Secondary Educational Institutions. It shall include commercial arts and art-related business service uses including, but not limited to: recording and editing services; small-scale film and video developing and printing; titling; video*

I have been working in the performing arts for 35 years. My clients have included Grammy Winners, NEA Master of Arts recipients, Kennedy Center Honorees, and Presidential Medal of The Arts recipients. I've also engaged

performances on all types of stages around the world including Lincoln Center, Hollywood Bowl and The White House.

My job is an arts related service. My NAICS Association code for the IRS is 711410 I am a fee based enterprise selling live music and concert services to the public as well as providing Artists with touring logistics and business services.

As such, I am a "retail entertainment" provider of arts activities and services to musicians and Artists similar to recording and editing I am selling services that enable performances, productions and exhibitions to customers in the Bay Area, California, across the United States and Canada.

I will be addressing this request directly with the Zoning Department shortly. Should they deny me approval to remain in this space I will be looking to you, my Supervisor, to intervene and stop yet another small business from being driven out of San Francisco.

Your efforts on behalf of the massage practitioners and therapists in the building has been admirable. But I was disappointed to see that the proposed legislation does not currently include many of the other worthwhile small businesses operating in this space including mine.

Please let me know if I can provide any additional information to support my request for an exemption.

Sincerely yours,

David Lloyd

190165

**From:** Evan Kaminsky <evan@ouithreequeens.com>  
**Sent:** Sunday, July 21, 2019 11:08 PM  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern:

I am one of the small businesses operators within the ActivSpace building. I have been at Activspace for well over a decade and was lead to believe that the services my business provides were legal under the zoning at ActivSpace when I signed my lease. I was never, at any point, made aware that ActivSpace was only zoned for light industrial use or PDR-1.

I am a gay disabled man and have lived in San Francisco for 25 years. I have worked very hard to establish a clientele that rely on my services on a monthly basis. I suffer from extreme depression and anxiety disorders which make working for a traditional employer impossible. Starting my own business allowed me to set my own hours and work around my disability in order to sustain myself. As a small business owner, my work not only sustains me financially it gives me purpose. I'm an Esthetician and I specialize in Skin Care, Waxing, Grooming and Makeup Artistry. I cater to all genders and body types that don't feel comfortable going to other salons. I'm the only business of its kind in San Francisco.

Working out of Activspace has allowed individual businesses to work independently with the option of collaborating with colleagues in the building, refer clients and build business relationships. I personally did not receive a notice but I'm aware that others in the building were asked to vacate by February 10th due to this zoning issue. It is concerning to see this many businesses getting displaced. Many of these businesses, including myself, will not be able to afford to relocate, and cannot afford renting a larger commercial space, so we will be forced to close permanently or leave the city.

As a disabled small business owner I live month to month. If displaced, I won't be able to afford a new location. I've looked at what is available and it's all out of my price range. I would be forced to close my business and possibly even leave the city. I'm not be able to hold a regular 9-5 job, due to my disability. So, this would jeopardize not just my business, but my entire life. Not only that, my clients would not be able to receive the kind of care and services they get from me from another provider.

I'm asking with all sincerity, that you consider changing the zoning to allow all the businesses at ActivSpace to be grandfathered in under a zoning exception, so we all may be allowed to stay and conduct our business. Consider giving more than 30 days for those not in compliance to find alternative arrangements.

I also believe that the owners/management of Activspace misled us all about the zoning, and they should be liable for any and all fees associated with this legislation. We are not billion dollar corporations, we are small businesses, most of which have invested all of our finances, blood, sweat and tears just to get our businesses off the ground. Many, like myself, are barely making ends meet.

Thank you for your time and consideration.

Evan Kaminsky,  
beauty and grooming guru

Oui, Three Queens Productions  
[www.ouithreequeens.com](http://www.ouithreequeens.com)  
3150 18th st. Ste. 338, Box 415  
San Francisco, CA 94110  
415-378-3959  
SFBeautyGuru@Twitter  
[www.facebook.com/ouithreequeens](http://www.facebook.com/ouithreequeens)

190165

**From:** Mollie Rose <mollie@pilatesincommon.com>  
**Sent:** Monday, July 22, 2019 11:22 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR); Ionin, Jonas (CPC)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom this may concern,

I am a current tenant of ActivSpace and run my business out of 3150 18th St. My partner Nicole Lancie wrote you an email that beautifully sums up our current situation. If you haven't read her words, I ask that you do so now. Your decision on this issue will have a profound effect on so many peoples' livelihood:

'Sole proprietors and small service-based businesses (non-PDR) are in desperate need of support and advocacy. We need to be recognized as a vulnerable population that requires immediate policy and zoning legislation to protect and preserve our local economy.

ActivSpace is the only affordable commercial rent in San Francisco for businesses of our scale. A 10-year amnesty program would only be a temporary solution. If ActivSpace is not available to us, then hundreds of small-scale businesses that provide invaluable services to low-income and moderate-income residents will be displaced from San Francisco.

Our vibrant community of valued mental health and service providers and solo-entrepreneurs feel the effects of gentrification. Our city is littered with vacant storefronts that are beyond our reach, yet ActivSpace gives us access to small, affordable units. ActivSpace allows sole proprietors and small service-based businesses to prosper economically, serve our community, and continue to preserve the spirit of San Francisco.

The City's ecosystem is homogenizing; please help us protect our cultural diversity and keep San Francisco our permanent home. I strongly urge you to adopt the current legislation proposed by Hilary Ronen's office. Lastly, I'd like you to consider the need for policy and new zoning legislation to safeguard small non-PDR businesses from future displacement.'

Sincerely,

Mollie Rose

190165

**From:** Elise May <elise@skinutritious.com>  
**Sent:** Monday, July 22, 2019 11:09 AM  
**Cc:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear city officials,

Thank you for your consideration in saving the small businesses at ActivSpace. I have been operating and growing my small business here since 2012. I help people clear their skin holistically through healthy diet + lifestyle changes and skincare.

I am asking for our amnesty because I have no where else to do business in the city. I currently pay \$1,020 for a 125 sq ft space on the second floor. I have been looking for spaces outside ActivSpace since 2016. I wanted a nicer neighborhood and a little more space. I can afford up to \$2,000/mo. At that level, I am left without a realtor and fending for myself on Craigslist and online searches.

The long and short of it is that I haven't been able to find another feasible location to be. There are plenty of spaces for \$4,000-6,000/mo and 5 year lease terms (that often sit empty for years). I cannot afford it. If I and my fellow neighbors are forced to leave ActivSpace, many of us will have to leave the city, go underground, or simply close up shop. We want to be legal and want the opportunity to do so.

I am so sorry about the position this building has put you all in. The way ActivSpace has gone about leasing spaces without disclosure of zoning over the years has snowballed into many of us stuck with no other option.

The legislation Hillary Ronen has presented is very fair. It allows those of us to stay that have established ourselves and our practices here often serving the underserved in our communities while also holding space for only PDR tenants to come in the future. I am sincerely asking for your forgiveness and mercy on the small businesses that call ActivSpace home and have no where else to go. Please help save our livelihoods and the practices we have given our lives to build. Thank you.

Elise May, CN+LE  
SKINutritious // holistic acne clinic  
[www.SKINutritious.com](http://www.SKINutritious.com)

190165

**From:** Penny Fellbrich <penny@pennyfellbrich.com>  
**Sent:** Monday, July 22, 2019 11:04 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

I am a psychotherapist and art therapist who has been working from an office at ActivSpace for over 8 years. I am a woman from a very working class family, the first (and only) person in my entire family to go to college (and then grad school) - and now I have my own business serving those most in need in our community.

I do hope you will VOTE TO PASS this legislation (#59) today to support us small business owners (many of whom are psychotherapists and serving the community at lower fees due to our affordable rent at ActivSpace).

It is hard to believe that if we were all asked to leave that there would be a demand for the light industrial manufacturing to fill the building.

In my private practice I specialize in working with trauma and I see 3 clients per week pro bono (free of charge) and see the majority of my other clients on a sliding scale. I am able to serve people who can't afford to pay full fee due to my rent at ActivSpace being relatively affordable. Most of my clients are LGBTQ and Gender Non-Conforming.

One of my clients was homeless when we first started working together. Through our long-term supportive pro bono therapy, this client has now been in stable housing consistently and has started their own business. If I had to move out of ActivSpace, due to the incredibly high cost of commercial rents, I would no longer be able to afford to offer 3 free slots per week to clients in great need nor serve my large caseload of queer and artist clients who pay what they can afford.

I also supervise and mentor therapists in training at The Liberation Institute, a grass roots non-profit mental health counseling clinic also housed at ActivSpace. We serve thousands of clients per year, most of whom can only afford to pay a few dollars for their therapy each week and would otherwise fall through the cracks of the mental health care systems in this city if it weren't for the services The Liberation Institute provides on a truly low fee, pay what you can afford basis.

If The Liberation Institute were forced to vacate its many offices at ActivSpace, I imagine it would be forced to close due to high office rental prices elsewhere. This would mean that 1000s of San Francisco and Bay Area residents would be at risk due to lack of much needed therapy and counseling services.

Evicting over THREE HUNDRED San Francisco based small businesses will be a loss to the livelihood of hundreds of individuals, a loss to San Francisco, a blow to the city's reputation (providing further evidence that the City supports big, tech corporations and not small businesses), a loss to the neighborhood and the neighborhood's other businesses (especially Guss's

Market on Harrison), and a loss to the thousands of people who frequent, and receive important health services from, the occupants of ActivSpace Mission.

Forcing hundreds of small businesses to close simply because of an old zoning regulation would have a HUGE impact on each of these hundreds of San Francisco individuals who work hard to serve and better the community. It also feels like further gentrification and pushing out of working class small business owners - and for what purpose?

I sincerely urge you all to please make a heartfelt consideration to re-zone ActivSpace (3150 18th Street, 94110) to accommodate the variety of businesses that are currently thriving there. Not only will this keep hundreds of individuals working and generating income for the city by way of taxes and licensing, it will allow San Francisco residents continued access to the vital services these individuals and small businesses doing good for the world provide.

Thank you for your time and consideration,

Penny Fellbrich

Mission/San Francisco Resident (20 years) & Registered Voter

Small Business Owner/Psychotherapist/Activist

[www.PennyFellbrich.com](http://www.PennyFellbrich.com)

pronouns: she/her/hers

190165

**From:** Paul Oglesby <paul@sfbayfamilytherapy.com>  
**Sent:** Monday, July 22, 2019 11:02 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I am a psychotherapist and have been a tenant of ActivSpace for 6 years. I am concerned about the recent evictions and the possibility that a majority of the tenants of this building may face eviction in the coming year due to zoning and recent legislation. I can attest that ActivSpace did not inform me or any other tenant that I have talked to about the zoning issues with the building when we signed our leases.

During the years that I have worked here, it has become clear that ActivSpace functions as a vital hub of activity in the neighborhood, providing valuable services to the local community: therapy, styling, bodywork, educational services, personal training, and much more. The building is a meeting spot for the neighborhood and a place for small business owners to thrive and connect with one another, while serving a LOCAL clientele.

Please allow us to stay and to continue serving the Mission District.

Sincerely,

Paul Oglesby, LMFT

--

Paul Oglesby, LMFT  
650-409-6049  
[sfbayfamilytherapy.com](mailto:paul@sfbayfamilytherapy.com)

190165

**From:** Sabreena Haque <ritualbydesign@gmail.com>  
**Sent:** Monday, July 22, 2019 10:41 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

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Thanks for taking the time,

My name is Sabreena Haque. I am a professional mehndi/henna artist that has a space in ActivSpace in the Mission San Francisco.

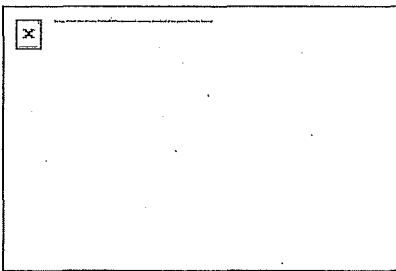
I moved to San Francisco because I loved the immense creativity and expression.

ActivSpace has made it possible for me as an artist to remain in this city and share my creativity with others.

Through my space, I have met some amazing people and really created a flourishing community

I am in favor of this legislation because it helps me to stay in the city. The city is changing and I think its important for spaces likes this to be here so that the artist community can remain in the city.

Please vote yes.



SABREENA HAQUE

+1 (815) 793 5413

[ritualbydesign.com](http://ritualbydesign.com)

Follow me on [Instagram](#) and [facebook](#), or write me a review on [yelp](#)!

190165

**From:** Paul Traina <pst@pst.org>  
**Sent:** Monday, July 22, 2019 10:35 AM  
**To:** Major, Erica (BOS)  
**Cc:** Peskin, Aaron (BOS); hanneystaff@sfgov.org; Safai, Ahsha (BOS)  
**Subject:** ActiveSpace aka 7/22/2019 Land Use Committee, Public Comment Item #3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi,

I'm a San Francisco resident and supporter of the continued use of the ActiveSpace property by certified massage therapists. The current zoning regulations don't take into account the nature of the CMT business, and are overly restrictive for their use. Please support these residents and entrepreneurs with sensible interpretations and exemptions.

Regards,

Paul Traina  
2168 15th Street.

190165

---

**From:** Lycia Massey <lycia@chopsooooo.com>  
**Sent:** Monday, July 22, 2019 10:28 AM  
**To:** Major, Erica (BOS)  
**Subject:** /22/2019 Land Use Committee, Public Comment Item #3.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please keep small businesses at ActivSpace. I have been conducting business at this location for 11 years and have a strong clientele that live and work near, losing my space would put me and my clients out. No good comes from putting small businesses out.

Thanks for considering,

Lycia Massey

Chopsooooo the salon

4158674432

Sent from my iPhone

190165

**From:** Shana Astrachan <sastrachan@gmail.com>  
**Sent:** Monday, July 22, 2019 10:23 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please pass this. The small businesses that I run out of ActivSpace really should be able to stay there. The city of San Francisco doesn't have many other options for them, and their clients really need them.

Thank you,  
Shana

415-420-0527

7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

erica.major@sfgov.org

vallie.brown@sfgov.org

Matt.Haney@sfgov.org

Gordon.Mar@sfgov.org

Hillary.Ronen@sfgov.org

Catherine.Stefani@sfgov.org

Norman.Yee@sfgov.org

Sandra.Fewer@sfgov.org

mandelmanstaff@sfgov.org

Aaron.Peskin@sfgov.org

Ahsha.Safai@sfgov.org

Shamann.Walton@sfgov.org

MayorLondonBreed@sfgov.org

190165

**From:** Vera Fleischer <verafleischer@gmail.com>  
**Sent:** Friday, July 19, 2019 11:30 AM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, Public Comment Item #3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Clerk of the Land Use and Transportation Committee,

I urge you to support the legitimization for non-residential uses at 3150 18th St (Activspace) in San Francisco. If this item doesn't get approved, hundreds of small businesses, mostly sole proprietors, will lose their leases and will probably have to close.

I myself rent a space for my psychotherapy practice in the building. I have worked out of the building since 2015 and have been a master leaseholder since early 2017. I didn't know at the time that the building wasn't zoned for professional and health services because the landlord didn't inform me. If I had known that I was signing a lease that was violating zoning regulations, I would have made a different choice. Since my application was approved at the time, I was able to grow my business in the space, and now every week I serve about 20 clients of varying socioeconomic backgrounds and with varying levels of trauma out of my small office.

Since finding out about the zoning problem in February, I have been looking for alternative office spaces in the area, and I haven't been very successful. I have come across very few office spaces that would be suitable for my needs. I am just one person looking, and I would probably eventually find something. But if all of us had to leave Activspace, there definitely wouldn't be enough office space in San Francisco to accommodate all of our businesses. A lot of us would inevitably have to close our businesses. I sincerely hope that you will not allow this.

Best wishes,

--  
Vera Fleischer, MA, MFT  
Psychotherapist, LMFT #97057  
[www.verafleischer.com](http://www.verafleischer.com)

190105

**From:** Vanita Kunert <vanitakunert@gmail.com>  
**Sent:** Thursday, July 18, 2019 5:58 PM  
**To:** Major, Erica (BOS)  
**Subject:** ActivSpace: Land Use

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I work as a psychotherapist and specialize in couples with high conflict and domestic abuse; alcohol use disorders. I offer a sliding fee.

I have been a renter for in my current unit since June 2018; previously I rented another unit 417 for 6 months. Also, I have lived in a rental housing in San Francisco since 1972; I am 69 years old and depend on the garage for parking as I have some physical disabilities.

Vanita

Vanita Kunert, LMFT  
Licensed Marriage and Family Therapist 12734  
3150 18th Street #401  
San Francisco, CA 94110  
[vanitakunert@gmail.com](mailto:vanitakunert@gmail.com)  
<http://www.vanitakunert.com>  
Phone: 415.297.9044

Linked In: <https://www.linkedin.com/in/vanitakunert>

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190165

**From:** Michelle Maloy <ahoymaloy@gmail.com>  
**Sent:** Monday, July 22, 2019 10:05 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR); Michelle Maloy; elise@skinutritious.com  
**Subject:** Please add this to our file Regarding : 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

[erica.major@sfgov.org](mailto:erica.major@sfgov.org)  
[vallie.brown@sfgov.org](mailto:vallie.brown@sfgov.org)  
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[Ahsha.Safai@sfgov.org](mailto:Ahsha.Safai@sfgov.org)  
[Shamann.Walton@sfgov.org](mailto:Shamann.Walton@sfgov.org)  
[MayorLondonBreed@sfgov.org](mailto:MayorLondonBreed@sfgov.org)

Regarding : 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

Monday July 22, 2019

Dear San Francisco Land Use Committee,

I am unable to attend the public hearing today since I am just post hip surgery so I am emailing this to you and emailing to another ActivSpace tenant to hard copy hand over to you.

I am a small business owner and have been tenant in ActivSpace since 2013. When I was looking for an affordable space to rent an office, one that is mine 7 days a week, I found my office in ActivSpace. It's a small room 9x11.5 and that works just fine for me so I feel lucky to have to office that I have. This office is by far one of the most affordable offices that I have had since I started practicing bodywork in SF in 1997.

We have since learned that our building is only zoned for PDR use, not for personal services or office use, which is about 75% of the tenants in ActivSpace. The footprint of the ActivSpace building is .033% of all of the PDR zoned spaces in San Francisco. Every month there is turn over of new tenants in ActivSpace and PDR use businesses fully have the ability to come rent office space here. Except I am not seeing many new PDR renters come in. Actually, I have seen many PDR renters leave generally because they are moving out of San Francisco or the office rent is getting too expensive for them. Home rents in SF are becoming alarmingly high. I know this because I am looking for a new place to live: a room in a home and the rent is out of my budget. So, I am starting to look to move to Marin and commute in simply because it is cheaper to do that. Commercial rent in SF is outrageous. I have not been able to find an office space that is affordable and in my price range since we have been served notification in January. If we are not able to stay at ActivSpace and hopefully have the building zoned for multi-use then I will be forced out of SF like many small businesses already have.

I am requesting that Land Use Committee vote to keep us non PDR in the building and to also change the zoning of the building itself to multi-use.

I want to break down how I came to ActivSpace AND the costs that I will be paying to stay at ActivSpace.

I came into my office "As Is", meaning I took the office over for a woman that was still in her 6 month lease and I started subletting, taking over space that is fully painted with holes in the walls from shelves hanging, curtain hangings etc. I will have to bring my space back to 100% the original way it was: white walls and grey floors or ActivSpace will keep my deposit. They have kept numerous peoples deposit. If you look on

Yelp and read their reviews, all of them are about their deposits not returned and the hassle it was. The one review from Amber saying she received her deposit is because I took over her space and she received her deposit since I took it over "As Is", I came in in October 2015.

My rent started at \$470 with a \$725 deposit. Plus a \$100 deposit for a parking garage card.

My rent was raised to \$510 4/1/2016. Rent increased because of "upgrades to the building"

My rent raised to \$555 4/1/17 with in increase in my security deposit of \$150 because my rent had increased in it's "bracket" where security deposits are higher. Rent increased because ActivSpace had the bathrooms repainted, a subpar paint job because paint is all over the floors of each bathroom. The also passed along costs of power washing the outside of the building, however, power washing did not reach my 4th floor window so my office window remained very dirty. I have to remove my windows and clean the windows myself.

My rent raised to \$575 because of the SF Prop C Tax that ActivSpace passed along to all of us renters in the building.

Now, to stay in our offices we have to apply for Health Permit with DPH, which will cost about \$900. We also have to pay a Permit amount to the Building Department which will be around \$500. We have to pay to provide the Building Department an architecture drawing of our office, area space and what is in the office to scale. Along with drawings of where it's located on each floor and then to the entire building.

We have to pay for fire extinguisher.

We have to pay for hot water heaters and the costs for them to be installed. We have a sink but ActivSpace only installed cold running water when the building was built. So we have to install hot water heaters so that we have both cold and hot water running in each office. Hot water heaters run anywhere from \$250-\$500. We also must hire a licensed plumber to install it. We must have the hot water heater approved by ActivSpace AND the Building Department. We have to supply both with the plumbers license and liability insurance. We have to pay the cost of hiring the plumber; hiring an electrician if the hot water heater requires it's own electrical circuit and we will have to get electrical permits and cover those costs. We will have to hire a plumber to uninstall the hot water heater when we leave. We all have to bring back our space to as it was before or they will keep our deposits.

ActivSpace wants to now pass along water costs to each renter, even though we use the same amount of water whether it would be hot or cold. And how are they to know who is using a certain amount of water daily? Hair stylists use water much more than us body workers who are just washing our hands.

ActivSpace wants to pass along costs of electrical use for the hot water heater.

ActivSpace also wants to increase our security deposit because of us installing hot water heaters.

Here is the email from the management at ActivSpace:

Dear Michelle,

The link below is an example of a water heater that would be acceptable in regards to how much power our breakers can support. The appliance would need to be plugged into the 4 plug outlet since this outlet is on its own 20 amp breaker. There may be a few outliers but this is the set-up in almost every unit. The 2 plug is on a shared circuit with your neighbor and should only be used for low energy items, not water heaters. It is possible to get a similar tankless water heater approved by ActivSpace as long as your outlet can safely support it. A few massage therapists were told (by DBI or SFDPH, that part wasn't disclosed) that the bosch 2 and 4 gal heaters (water heaters with tanks) were unacceptable because of the requirement of a drip pan and floor drain for the emergency drainage valve. Floor drains don't exist in any of the units. I'm not sure why it's not possible to connect the emergency release drain to the sink's drainage system...maybe it is? Just to be clear so that you don't end up having to redo the work, ActivSpace isn't guaranteeing that you'll be approved by SFDPH or DBI, that responsibility falls on the lease holder. It is our goal to make sure our building can physically support the work being requested.

The extension cord section was specifically in regards to the general use of an extension cord. Certain appliances may not allow for the use of any kind of extension cord even if a surge protector is included.

<https://www.zoro.com/chronomite-labs-electric-tankless-water-heater-120vac-sr-151120-htr-i/i/G3730352/>

Here is what is required before work begins (please e-mail in 1 single package. We will have to forward the submitted info to our building projects dept for approval.):

1. Copy of the contractor's valid business license
2. Copy of contractor's certificate of insurance
3. Description of work from the contractor (including additional modifications required and total cost estimate)
4. Water heater specs

\*An additional security deposit will have to be collected to cover the cost of reversing the work. Once you receive approval you may begin installation. There may also be a monthly addition charge for water/electrical use...this amount is yet to be determined.

Once we receive a response from our projects dept we will reach out to you and give you approval or inform you as to why the work cannot be approved.

Hopefully this clears up the info provided to you. Let us know if you have any follow-up questions!

Thanks,

Matt Fenzl  
Manager  
Customer Services  
ActivSpace LLC  
(415) 355-1515 for Mission ActivSpace  
(510) 845-5000 for Berkeley ActivSpace

I would love to have ActivSpace be responsible for the costs that are required for us to stay there under all of these guidelines but as you see ActivSpace will pass along ANY costs that they possibly can to us renters. So for us to stay there we individually are looking at least \$3500 probably more \$4500 to keep our offices.

Please pass this information along. The legislation should be written that ActivSpace should be responsible for all the costs that we are to cover AND not be allowed to pass along ONE penny to us legally.

Thank you very much for listening and hearing our legitimation program.

Best,

MM - signed

Michelle Maloy  
3150 18th Street  
Suite 425  
San Francisco, CA 94117  
415-823-4224  
[ahoymaloy@gmail.com](mailto:ahoymaloy@gmail.com)

Major, Erica (BOS)

190165

**From:** Michelle Maloy <ahoymaloy@gmail.com>  
**Sent:** Monday, July 22, 2019 10:08 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Cc:** elise@skinutritious.com; Helen Hickman; Michelle Maloy  
**Subject:** Please add this to our file to be read today for the public hearing Regarding : 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.  
**Attachments:** Land Use Committee Letter.docx; Land Use Committee Letter.pages

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[Shamann.Walton@sfgov.org](mailto:Shamann.Walton@sfgov.org)  
[MayorLondonBreed@sfgov.org](mailto:MayorLondonBreed@sfgov.org)

Regarding : 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

Monday July 22, 2019

Dear San Francisco Land Use Committee,

I am unable to attend the public hearing today since I am just post hip surgery so I am emailing this to you and emailing to another ActivSpace tenant to hard copy hand over to you.

I am a small business owner and have been tenant in ActivSpace since 2013. When I was looking for an affordable space to rent an office, one that is mine 7 days a week, I found my office in ActivSpace. It's a small room 9x11.5 and that works just fine for me so I feel lucky to have to office that I have. This office is by far one of the most affordable offices that I have had since I started practicing bodywork in SF in 1997.

We have since learned that our building is only zoned for PDR use, not for personal services or office use, which is about 75% of the tenants in ActivSpace. The footprint of the ActivSpace building is .033% of all of the PDR zoned spaces in San Francisco. Every month there is turn over of new tenants in ActivSpace and PDR use businesses fully have the ability to come rent office space here. Except I am not seeing many new PDR renters come in. Actually, I have seen many PDR renters leave generally because they are moving out of San Francisco or the office rent is getting too expensive for them. Home rents in SF are becoming alarmingly high. I know this because I am looking for a new place to live: a room in a home and the rent is out of my budget. So, I am starting to look to move to Marin and commute in simply because it is cheaper to do that. Commercial rent in SF is outrageous. I have not been able to find an office space that is affordable and in my price range since we have been served notification in January. If we are not able to stay at ActivSpace and hopefully have the building zoned for multi-use then I will be forced out of SF like many small businesses already have.

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I want to break down how I came to ActivSpace AND the costs that I will be paying to stay at ActivSpace.

I came into my office "As Is", meaning I took the office over for a woman that was still in her 6 month lease and I started subletting, taking over space that is fully painted with holes in the walls from shelves hanging, curtain hangings etc. I will have to bring my space back to 100% the original way it was: white walls and grey floors or ActivSpace will keep my deposit. They have kept numerous peoples deposit. If you look on Yelp and read their reviews, all of them are about their deposits not returned and the hassle it was. The one review from Amber saying she received her deposit is because I took over her space and she received her deposit since I took it over "As Is", I came in in October 2015.

My rent started at \$470 with a \$725 deposit. Plus a \$100 deposit for a parking garage card.

My rent was raised to \$510 4/1/2016. Rent increased because of "upgrades to the building"

My rent raised to \$555 4/1/17 with in increase in my security deposit of \$150 because my rent had increased in it's "bracket" where security deposits are higher. Rent increased because ActivSpace had the bathrooms repainted, a subpar paint job because paint is all over the floors of each bathroom. They also passed along costs of power washing the outside of the building, however, power washing did not reach my 4th floor window so my office window remained very dirty. I have to remove my windows and clean the windows myself.

My rent raised to \$575 because of the SF Prop C Tax that ActivSpace passed along to all of us renters in the building.

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We have to pay for fire extinguisher.

We have to pay for hot water heaters and the costs for them to be installed. We have a sink but ActivSpace only installed cold running water when the building was built. So we have to install hot water heaters so that we have both cold and hot water running in each office. Hot water heaters run anywhere from \$250-\$500. We also must hire a licensed plumber to install it. We must have the hot water heater approved by ActivSpace AND the Building Department. We have to supply both with the plumbers license and liability insurance. We have to pay the cost of hiring the plumber, hiring an electrician if the hot water heater requires it's own electrical circuit and we will have to get electrical permits and cover those costs. We will have to hire a plumber to uninstall the hot water heater when we leave. We all have to bring back our space to as it was before or they will keep our deposits.

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ActivSpace also wants to increase our security deposit because of us installing hot water heaters.

Here is the email from the management at ActivSpace:

Dear Michelle,

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The extension cord section was specifically in regards to the general use of an extension cord. Certain appliances may not allow for the use of any kind of extension cord even if a surge protector is included.

<https://www.zoro.com/chronomite-labs-electric-tankless-water-heater-120vac-sr-151120-htr-ii/i/G3730352/>

Here is what is required before work begins (please e-mail in 1 single package. We will have to forward the submitted info to our building projects dept for approval.):

1. Copy of the contractor's valid business license
2. Copy of contractor's certificate of insurance
3. Description of work from the contractor (including additional modifications required and total cost estimate)
4. Water heater specs

\*An additional security deposit will have to be collected to cover the cost of reversing the work. Once you receive approval you may begin installation. There may also be a monthly addition charge for water/electrical use...this amount is yet to be determined.

Once we receive a response from our projects dept we will reach out to you and give you approval or inform you as to why the work cannot be approved.

Hopefully this clears up the info provided to you. Let us know if you have any follow-up questions!

Thanks,

Matt Fenzl  
Manager  
Customer Services  
ActivSpace LLC  
(415) 355-1515 for Mission ActivSpace  
(510) 845-5000 for Berkeley ActivSpace

I would love to have ActivSpace be responsible for the costs that are required for us to stay there under all of these guidelines but as you see ActivSpace will pass along ANY costs that they possibly can to us renters. So for us to stay there we individually are looking at least \$3500 probably more \$4500 to keep our offices.

Please pass this information along. The legislation should be written that ActivSpace should be responsible for all the costs that we are to cover AND not be allowed to pass along ONE penny to us legally.

Thank you very much for listening and hearing our legitimization program.

Best,

MM - signed

Michelle Maloy  
3150 18th Street  
Suite 425  
San Francisco, CA 94117  
415-823-4224  
[ahoymaloy@gmail.com](mailto:ahoymaloy@gmail.com)

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vallie.brown@sfgov.org  
Matt.Haney@sfgov.org  
Gordon.Mar@sfgov.org  
Hillary.Ronen@sfgov.org  
Catherine.Stefani@sfgov.org  
Norman.Yee@sfgov.org  
Sandra.Fewer@sfgov.org  
mandelmanstaff@sfgov.org  
Aaron.Peskin@sfgov.org  
Ahsha.Safai@sfgov.org  
Shamann.Walton@sfgov.org  
MayorLondonBreed@sfgov.org

Regarding : 7/22/2019 Land Use Committee, ActivSpace Legislation #190165.

Monday July 22, 2019

Dear San Francisco Land Use Committee,

I am unable to attend the public hearing today since I am just post hip surgery so I am emailing this to you and emailing to another ActivSpace tenant to hard copy hand over to you.

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Thanks,

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Thank you very much for listening and hearing our legitimization program.

Best,

MM - signed

Michelle Maloy

3150 18th Street

Suite 425

San Francisco, CA 94117

415-823-4224

ahoymaloy@gmail.com

190165

**From:** Erin Pine <erincpine@gmail.com>  
**Sent:** Monday, July 22, 2019 10:04 AM  
**To:** Mar, Gordon (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Stefani, Catherine (BOS); Major, Erica (BOS); Ronen, Hillary; MandelmanStaff, [BOS]; Haney, Matt (BOS); Breed, Mayor London (MYR); Yee, Norman (BOS); Fewer, Sandra (BOS); Walton, Shamann (BOS); Brown, Vallie (BOS)  
**Subject:** 7/22/19 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Committee Members,

It is imperative that zoning for ActivSpace be updated to reflect its actual use. We all know that the dearth of affordable real estate in San Francisco hurting small business owners. There is much hand-wringing over the little people being driven out of the city—this is your chance to actually do something to help.

Many (most) of the small business owners at ActivSpace are service providers such as hairstylists, counselors, and tattoo artists who don't require a lot of space or frills. ActivSpace meets their needs, and use of the building in this manner is responsible and efficient use of San Francisco's limited space.

My partner is a tattoo artist at ActivSpace. Not only does she depend on the (relatively) affordable rent in order to stay afloat, having a her own studio is important to her clients who prefer a private setting. Were she driven out of ActivSpace, she'd be priced out of the city where she lives, be forced to commute, and would no longer be able to offer a private space.

Please consider passing legislation to allow ActivSpace to be used as it is currently being used, in a sensible and responsible manner. Nothing is broken—the only way to “fix” this situation is to make it legal.

Thank you,  
Erin Pine

190165

**From:** Corrie Varga <corrievarga@gmail.com>  
**Sent:** Monday, July 22, 2019 9:11 AM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Erica Major,

I am writing to request your support in passing legislation this week to allow current non-PDR tenants of ActiveSpace amnesty to remain in our units. I am a psychotherapist and own a small business that works out of ActivSpace. I serve exclusively transgender and queer individuals and families. I have lived in the Mission for 15 years and value the ability to serve my neighborhood. If I lose my office, I may not be able to afford to keep my business open.

Thank you for your consideration.

Warmly,

Corrie

Corrie Varga, LMFT 104535  
3150 18th St Suite 304  
San Francisco, CA 94110  
p: 415-662-3342  
[corrievarga@gmail.com](mailto:corrievarga@gmail.com)  
[www.corrievarga.com](http://www.corrievarga.com)

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190165

**From:** brittany ramus <brittanyramus@gmail.com>  
**Sent:** Monday, July 22, 2019 9:35 AM  
**To:** Major, Erica (BOS)  
**Subject:** 7/22/19 land use committee, activspace legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello! I have been a tenant of the activspace building running my small business for the last 9 years. I was never made aware that the building was not properly zoned for my hair salon until very recently by the city. I even asked specifically when I moved in, if there was any additional permits or pre requisite to conduct my business the day I signed the paper to move in. I was told no. I understand the importance of preserving PDR space in SF, however the building is largely vacant. This tells me that there isn't a large need for PDR as there is for affordable small business spaces for someone like myself, a single mother, can have a business and support myself and family in a very competitive and expensive city.

I am a Bay Area Native and having my small Business in the building has made the difference of me being able to stay in my home and be near my family. I have no other affordable options at this point. It is very important to me and many many other that this legislation to allow us to stay, passes. If it does not pass, not only will I have to close my business. It will likely end the ability for me and my family to stay in San Francisco any longer. Please consider us. Thanks you so much for reading.

-Happy trails to you

190165

**From:** Body <Wellness@bodyawakening.org>  
**Sent:** Monday, July 22, 2019 9:01 AM  
**To:** Major, Erica (BOS); Peskin, Aaron (BOS); Haneystaff (BOS); Safai, Ahsha (BOS); Breed, Mayor London (MYR); Waltonstaff (BOS); Ronen, Hillary  
**Subject:** Hearings and votes on Legitimization Process for Tenants at ActivSpace SF  
**Attachments:** Statement legitimization AS.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning SF representatives, admimistrators, and staff;

Reference item Land Use Committee, Public Comment Item #3 (7/22/19): Board of Supervisors Item #59

I am a tenant at the ActivSpace building offering massage and bodywork services. Unfortunately, the demands of SF require me to work more than one job to make a living. As a result, I will not be able to attend today's or tomorrow's meetings regarding the legitimization process.

I have drafted some of the many reasons why it is important for me to continue to offer services and some of the experience this process has brought upon me for your review. Please find it attached to this message.

Thank you for considering our case.

Salud,

--

**Wendell Andrus**

Founder

**Body Awakening: Ancient Wellness Arts**

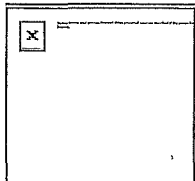
415.656.5873

**BodyAwakening.org**

[Like us on Facebook](#)

[Follow us on Twitter](#)

[Follow us on Instagram](#)



Esteemed members of the Planning and Land Use Commission, Board of Supervisors, and the Office of Mayor London Breed:

It is my understanding that you will be hearing public statements and taking action on the proposed legitimization process. Regrettably, I cannot attend. I would like to submit the following for your consideration. I urge you to approve this measure so that others and myself may continue to offer my service in the ActivSpace – Mission building.

My name is Wendell, and I represent Body Awakening: Ancient Wellness Arts

Since 2012, I have been offering massage services to the people of the San Francisco Bay Area, nearly 5 of those years have been from my studio in the ActivSpace building.

Some of the reasons for which it is important for me to stay there, and why I ask for your approval of this proposed legislation today are:

**Security, Cleanliness, Privacy, Accessibility, and Autonomy**

Finding a suitable office space is quite challenging in this city. For a similar rate at most other locations one is only able to offer service a couple of days per week and has to move their office arrangement so that others can use the space. It is more challenging to earn a decent income with that type of arrangement.

Through the process of staying in my location, I had to close my doors, while paying rent, and cease offering services for three months.

Imagine that you were ordered by government agencies to discontinue your work, inhibiting your ability to earn an income for a quarter of a year in San Francisco. Would you be able to sustain yourself?

This is the situation in which I, and others, found ourselves. This year has been very trying as massage professional. While I understand the process, its execution has been unreasonable and cause significant economic hardship. In addition, my clients were unable to receive the

services upon which they depend to mitigate the stresses of their SF lifestyles.

That said, in 2004, the owner of ActivSpace agreed to lease its future studios to persons operating businesses classified as PDR-1G. In 2008, it opened its doors. Here we are eleven years later, and, look what has evolved. Entrepreneurs of all sorts have been able to establish their craft in this. It seems to me that the demand for services such as mine, and those which are in a category other than PDR-1G, has facilitated the necessity of our practices to be established at the ActivSpace building.

Finally, the city of San Francisco has attracted companies like Twitter, Uber, Lyft, Pinterest, Zynga, Odoo, OKTA, Slack, AirBNB (often with financial incentives) in order to drive its economy, which it certainly has. However, the people who work at these companies are human beings, too, and, many of them have found themselves on my very massage table so that they could shed themselves of the stresses of

our intensely-paced lifestyle. Therefore, it is more essential still that my practice, and practices like mine, be allowed to stay in the ActivSpace building in order to meet the needs of San Francisco's people, and keep this economic powerhouse of ours thriving.

I ask for your support of this legislation.

Thank you for considering my reasons for continuing to offer my practice of the Art of Chill at ActivSpace.

Sincerely,

Wendell Doman, M.A.

Founder and Massage Professional

Body Awakening: Ancient Wellness Arts

190165

**From:** Taryn Walker <taryn@twandco.co>  
**Sent:** Monday, July 22, 2019 9:40 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); hilary.ronen@sfgov.org; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Cc:** tanyamia@piratesalon.net  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Land Use Committee and Board of Supervisors,

The purpose of this email is to support changing the zoning for ActivSpace to allow existing commercial service businesses to continue operating.

I am an existing client of Pirate Salon and I own a hair extension salon within proximity to ActivSpace. I often refer my own hair extension clients to Pirate Salon for services that require licensing such as hair color or hair cuts. In addition to offering gap services to my clients, Pirate Salon has served as a valuable advisor to my business operations.

I am requesting the zoning to be updated to allow for small businesses such as Pirate Salon to operate in ActivSpace. If San Francisco fails to do so, it will directly impact my company's revenue and I will risk losing clients to competing full service salons that also offer hair extensions.

Please support the businesses that rely on ActivSpace as a place to conduct their operations and update ActivSpace zoning.

Regards,

Taryn Walker  
Founder, TW & Co.  
Santa Clara University, MBA  
Harvard University, MA Finance

190165

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**From:** Kjbreniman <kjbreniman@gmail.com>  
**Sent:** Monday, July 22, 2019 9:43 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** Include in your subject line: 7/22/2019 Land Use Committee, ActivSpace Legislation # 190165.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please allow the massage therapists and other practitioners to continue working at Activespace.

Thank you for your time and consideration

Respectfully  
Kenneth Breniman, LCSW

Sent from my iPhone

190165

**From:** Jennifer Maurice Rogers <jmrogerstherapy@gmail.com>  
**Sent:** Monday, July 22, 2019 10:14 AM  
**To:** Major, Erica (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS); Ronen, Hillary; Stefani, Catherine (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); MandelmanStaff, [BOS]; Peskin, Aaron (BOS); Safai, Ahsha (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR)  
**Subject:** 7/22/2019 Land Use Committee, ActivSpace Legislation #190165

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Dear Land Use Committee,

My name is Jenny Maurice Rogers and I am one of the tenants at ActivSpace who would be compelled to find an alternative location for my work if it is determined that mental health providers are no longer able to rent offices at this location. Specifically, I provide therapy to children, their parents, and families overall to support them with a range of issues including coping with major life changes (i.e., divorce), emotional difficulties (i.e., anxiety), and social challenges. I am deeply passionate about the work I do and believe it is a much needed service for kids and adults alike in today's stressful world. Many of the clients I serve live close to the ActivSpace offices, which makes it realistic for them to come in for weekly sessions; consistent attendance is crucial to progress in therapy. If I were compelled to move my practice elsewhere, I don't know what these families would be able to attend their weekly appointments with me. Furthermore, San Francisco has a rich history of being a diverse city. At this time, however, it is becoming increasingly difficult for families, especially those with young children, to feel at home here. Having access to quality mental health services is essential to the well-being of children and their parents. For these reasons, I strongly advocate for therapists such as myself to be granted the right to continue renting an office at ActivSpace. Thank you for your time and consideration.

Sincerely,  
Jenny Maurice Rogers

--  
Jenny Maurice Rogers, MS  
Associate Marriage Family Therapist #89181  
415-894-5141  
SF Bay Play Therapy  
<https://www.sfbayplaytherapy.com/>

Please note I do not work Sundays. I typically respond to communications within 24 hour, however, if you contact me after business hours on Saturday, you can expect a response by the following Monday. For crises outside of business hours, please contact the National Crisis Hotline at 1-800-273-TALK. For emergencies dial 911 or go to your nearest emergency room.

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

### LAND USE AND TRANSPORTATION COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair  
Land Use and Transportation Committee

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

DATE: July 23, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 23, 2019

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 23, 2019. This item was acted upon at the Committee Meeting on Monday, July 22, 2019, at 1:30 p.m., by the votes indicated.

**Item No. 59                      File No. 190165**

Ordinance amending the Planning and Administrative Codes to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106), and to require the Office of Small Business to assist businesses under the program; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

### RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye  
Supervisor Ahsha Safai - Aye  
Supervisor Matt Haney - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Jon Givner, Deputy City Attorney

Member, Board of Supervisors  
District 3



City and County of San Francisco

**AARON PESKIN**

佩斯金 市參事

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 JUL 17 PM 4:35  
AK

COB  
Leg Dep  
Leg Clerk  
LU Clerk

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DATE: July 17, 2019

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 23, 2019, as Committee Reports:

**190754      Mission Bay South - Storm Water Pump Station No. 5 Public Infrastructure Improvements**

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Storm Water Pump Station No. 5, including acquisition facilities located on and under portions of State Trust Parcel 5, adjacent to Terry Francois Boulevard and 16th Street; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; approving an easement agreement for the Pump Station control room; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; adopting a Public Works Order; and authorizing official acts, as defined herein, in connection with this Ordinance.

**190755      Mission Bay South - Parks P2 Parking Lot, P11-11A, P23, and P24 Acceptance**

Ordinance dedicating Park P2 Parking Lot (a portion of Assessor's Parcel Block No. 8710, Lot No. 2, adjacent to Channel Street), Park P11-11A (east of Mission Bay Drive and Circle), and Parks P23 and P24 (adjacent to Terry Francois Boulevard between 16th Street and Illinois Street), as open public right-of-way in Mission Bay South; accepting an irrevocable offer for the acquisition facilities that comprise the Park improvements; designating said facilities for public open space and park purposes only; accepting the Parks for City maintenance and liability purposes, subject to specified limitations; amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to establish a new official sidewalk width on the north side of Channel Street adjacent to Park P2 Parking Lot; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; adopting a Public Works Order that recommends acceptance of the abovementioned Parks and related actions; and authorizing official acts, as defined herein, in connection with this Ordinance.

## COMMITTEE REPORT MEMORANDUM

### Land Use and Transportation Committee

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**190661                      Planning Code - Permitting Polk/Pacific Special Area Design Guidelines**

Ordinance amending the Planning Code to reference the Polk/Pacific Special Area Design Guidelines; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**180777                      Planning Code - Conditional Use Authorization Required for Employee Cafeterias within Office Space**

Ordinance amending the Planning Code to require a Conditional Use authorization for Employee Cafeterias, as defined, within Office space, except for existing Employee Cafeterias; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

 **190165                      Planning Code - Legitimization Program for Non-Residential Uses at 3150-18th Street**

Ordinance amending the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 22, 2019, at 1:30 p.m.

BOARD of SUPERVISORS



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## 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 20, 2019

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

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, which is being referred to the Small Business Commission for comment and recommendation.

File No. 190165

Ordinance amending the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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: \_\_\_\_\_

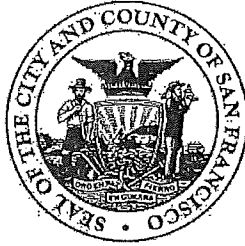
\_\_\_\_\_ No Comment

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

cc: Dominica Donovan

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

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
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May 15, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On May 7, 2019, Supervisor Ronen introduced the following proposed legislation:

**File No. 190165-2**

**Ordinance amending the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

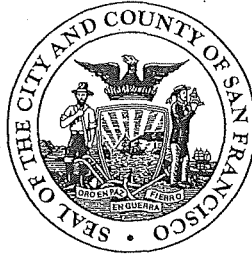
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: John Rahaim, Director  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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May 15, 2019

File No. 190165-2

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On May 7, 2019, Supervisor Ronen introduced the following proposed substitute legislation:

**File No. 190165-2**

**Ordinance amending the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

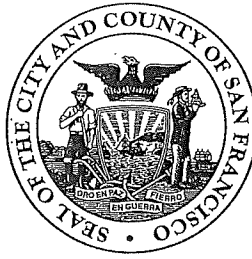
A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall  
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San Francisco 94102-4689  
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February 20, 2019

File No. 190165

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On February 12, 2019, Supervisor Ronen introduced the following proposed legislation:

**File No. 190165**

**Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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TDD/TTY No. 554-5227

February 20, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On February 12, 2019, Supervisor Ronen introduced the following legislation:

**File No. 190165**

**Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

- c: John Rahaim, Director  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

**Introduction Form**

By a Member of the Board of Supervisors or the Mayor

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2019 APR 30 PM 1:03

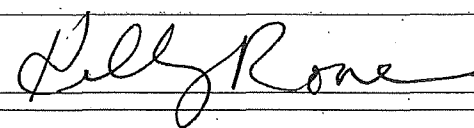
Time stamp  
or meeting dateBY SRB

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor  inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No.  from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☒ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☒ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.****Sponsor(s):****Subject:****The text is listed below or attached:**Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

**Introduction Form**

By a Member of the Board of Supervisors or Mayor

2019 FEB 12 PM 4:30

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor [ ] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Supervisor Hillary Ronen, Brown

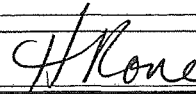
Subject:

Planning Code - Legitimization Program for Non-Residential Uses at 3150 18th St

The text is listed:

Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150 18th Street (Assessor's Block No. 3573, Lot No. 106)

Signature of Sponsoring Supervisor:



For Clerk's Use Only

