

File No. 160894

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date September 20, 2016

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (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 |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Notice of Public Hearing</u> |
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Completed by: Alisa Somera

Date September 16, 2016

Completed by: _____

Date _____

1 [Zoning - Interim Moratorium on First Story Business or Professional Service Uses in West
2 Portal Avenue Neighborhood Commercial District]

3 **Urgency Ordinance approving an interim zoning moratorium to prohibit first story**
4 **Business or Professional Service uses in the West Portal Avenue Neighborhood**
5 **Commercial District for 45 days, in accordance with California Government Code,**
6 **Section 65858; affirming the Planning Department's determination under the California**
7 **Environmental Quality Act; and making findings of consistency with the General Plan,**
8 **and the eight priority policies of Planning Code, Section, 101.1.**

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

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

17 Section 1. Findings.

18 (a) The West Portal Avenue Neighborhood Commercial District ("West Portal Avenue
19 NCD") is among the neighborhoods included in and supported through the City's Invest in
20 Neighborhoods initiative. Invest in Neighborhoods is a collaborative effort of the Mayor's
21 Office, the Office of Economic and Workforce Development ("OEWD"), and the Planning
22 Department. The initiative provides focused, customized assistance to meet the specific
23 needs of San Francisco's neighborhood commercial corridors. Invest in Neighborhoods aims
24 to strengthen and revitalize neighborhood commercial districts around the City by marshalling
25 and deploying resources from across multiple City departments and nonprofit partners. These
include economic development services such as loan programs, facade improvement grants,

1 and technical assistance for small businesses, as well as other City services – from the
2 Planning Department, Department of Public Works, Municipal Transportation Agency, and
3 other departments – that help small businesses thrive, enhance quality of life, improve
4 physical conditions, and empower community groups to lead neighborhood revitalization
5 efforts. Invest in Neighborhoods recognizes that each neighborhood commercial district has
6 its own unique needs, opportunities, and challenges, and the initiative aims to deploy the
7 specific services and resources that are most needed in each district.

8 (b) As part of the Invest in Neighborhoods Initiative, the City assessed the
9 neighborhood and commercial conditions in the West Portal commercial district, including the
10 health of the commercial district along with the West Portal commercial district's current
11 strengths, opportunities, and challenges. Subsequently, Invest in Neighborhoods prepared a
12 report titled "West Portal Neighborhood Profile" that provides a snapshot of these conditions in
13 West Portal as of February 2013. The assessment was aimed at informing the City's
14 decisions regarding strategic investments in the neighborhood, and providing a resource for
15 neighborhood stakeholders, including neighborhood merchants and business owners.

16 (c) The success of a neighborhood commercial district depends in part on the
17 composition of businesses. The Invest in Neighborhoods assessment of the West Portal
18 commercial district found that business and professional service-oriented establishments
19 make up over 60% of the businesses in the West Portal neighborhood.

20 (d) The Invest in Neighborhoods initiative complements the West Portal
21 neighborhood's ongoing engagement in sustained and focused efforts to revitalize the West
22 Portal Avenue NCD by attracting certain neighborhood-serving businesses. One of the
23 primary goals of neighborhood stakeholders is to increase ground floor retail so as to increase
24 pedestrian traffic and attract customers to West Portal Avenue.

1 (e) For the past several years, the West Portal neighborhood has been interested in
2 developing a Community Benefit District to help revitalize the West Portal Avenue NCD with
3 ground floor retail businesses, including anchor businesses.

4 (f) The interim zoning moratorium provided for in this ordinance is intended to address
5 the concerns that a saturation of business and professional services, financial services, and
6 stock brokerage businesses has neither facilitated nor furthered the development of ground
7 floor retail businesses within the West Portal Avenue NCD. The intent of this interim zoning
8 moratorium is to limit and avoid the over-saturation of such business and professional
9 services, financial services, and stock brokerage businesses in the West Portal Avenue NCD
10 while the City considers Planning Code amendments that would facilitate the development
11 and preservation of ground floor retail businesses.

12 (g) Presently, the applicable Planning Code provisions and Zoning Controls prohibit
13 any new Financial Services uses and prohibit stock brokerages where there are more than
14 seven Financial Services uses and/or stock brokerages in the West Portal Avenue NCD.

15 (h) The Office of Supervisor Norman Yee, the Planning Department, OEWD,
16 neighborhood merchants, and local community members are engaged in broader discussions
17 about amending and updating the Planning Code and Zoning Controls to facilitate
18 development of a diversity of businesses and a vibrant commercial corridor along West Portal
19 Avenue.

20 (i) The Board of Supervisors has considered the impact on the public health, safety,
21 peace, and general welfare if the interim zoning moratorium provided for in this ordinance
22 were not imposed.

23 (j) The Board of Supervisors has determined that the public interest and welfare will be
24 best served by imposing the interim zoning moratorium at this time in order to ensure that the
25 legislative amendments that may be ultimately adopted are not undermined during the

1 planning and legislative process preceding adoption of permanent controls, which process
2 shall be conducted within a reasonable time.

3 (k) Planning Code Section 101.1 Findings.

4 This interim zoning moratorium ordinance advances and is consistent with Priority
5 Policies 1 and 2 of Planning Code Section 101.1 in that the ordinance attempts to facilitate
6 preserving existing neighborhood-serving retail uses, enhancing future opportunities for
7 resident employment in and ownership of such businesses, and conserving and protecting
8 neighborhood character in order to preserve the cultural and economic diversity of the
9 neighborhood. With respect to Priority Policies 3, 4, 5, 6, 7, and 8, the Board of Supervisors
10 finds that the interim zoning moratorium does not, at this time, have an effect upon and will
11 not conflict with these policies.

12 (l) Environmental Findings.

13 The Planning Department has determined that the actions contemplated in this
14 ordinance comply with the California Environmental Quality Act (California Public Resources
15 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
16 Supervisors in File No. 160894 and is incorporated herein by reference. The Board of
17 Supervisors affirms this determination.

18
19 Section 2. The following interim zoning moratorium is hereby adopted as an urgency
20 ordinance:


21 (a) Neither the Planning Department nor the Planning Commission shall issue an
22 approval or authorization for any Business or Professional Service uses, as defined in
23 Planning Code Section 790.108, seeking to operate at the first story in the West Portal
24 Avenue NCD, as established in Planning Code Section 729.

1 (b) This interim zoning moratorium shall remain in effect for 45 days unless extended
2 in accordance with California General Government Code Section 65858 or permanent
3 controls are adopted to address the overconcentration of such Business and Professional
4 Service uses in the West Portal Avenue NCD.

5
6 Section 3. Within 25 days of the enactment of this ordinance, the Planning Department
7 shall submit to the Clerk of the Board of Supervisors a written report describing the measures
8 taken to alleviate the conditions that led to the adoption of the ordinance. Upon receipt of the
9 report, the Clerk shall calendar a motion for the full Board of Supervisors to consider and
10 approve said report. Said hearing and action taken thereon shall occur no later than 35 days
11 after this ordinance is effective.

12
13 Section 4. Effective Date. This urgency ordinance shall become effective immediately
14 upon enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns
15 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the
16 Board of Supervisors overrides the Mayor's veto of the ordinance by a 4/5ths vote.

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

20 By: 
21 CHRISTOPHER T. TOM
22 Deputy City Attorney

23 n:\leganas2016\1700046\01126016.docx

LEGISLATIVE DIGEST

[Zoning - Interim Moratorium on First Story Business or Professional Service Uses in West Portal Avenue Neighborhood Commercial District]

Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code Section 65858; 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.

Existing Law

The Planning Code authorizes first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District ("NCD"), established in Planning Code Section 729, only upon the issuance of a Conditional Use Authorization.

California Government Code Section 65858 ("Section 65858") authorizes and establishes procedures for a local government to impose an interim zoning moratorium.

Amendments to Current Law

Pursuant to Section 65858, the ordinance would place a temporary prohibition on the Planning Commission's or Planning Department's approval or authorization of any Business or Professional Service uses, as defined in Planning Code Section 790.108, on the first story in the West Portal Avenue NCD.

This interim zoning moratorium would remain in effect for 45 days unless (a) extended in accordance with Section 65858 or (b) permanent controls are adopted to address the overconcentration of such Business and Professional Service uses in the West Portal Avenue NCD.

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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

August 11, 2016

File No. 160894

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

Dear Ms. Jones:

On August 2, 2016, Supervisor Yee introduced the following proposed legislation:

File No. 160894

Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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.

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 "Alisa Somera".

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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

Joy Navarrete 9/8/2016

Somera, Alisa (BOS)

From: Michelle Lim <laushuetlan@yahoo.com>
Sent: Wednesday, September 07, 2016 11:45 AM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: Proposed Moratorium in the West Portal NCD

Dear Supervisor Yee:

I just heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. My question is why you are doing this and who can possibly gain from this? It doesn't make sense. Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how this goal can be accomplished by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years, especially during the most recent recession. Most of all, you will force a respected financial advisor, Peter Chen at 360-A West Portal, out of this neighborhood and out of business. He and his wife operate a family business who haven't done anything wrong and they have spent a large sum remodeling their office well before the proposed new legislation was ever thought up. Based on the reasons specified above, I am strongly against this legislation and am asking you to withdraw it or to stop the process immediately. We all look forward to an outcome which is favorable to Peter Chen as well as for businesses such as his in the West Portal neighborhood.

Melissa Lee.

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, September 07, 2016 1:33 PM
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: File 160894 FW: Proposed Moratorium in the West Portal NCD
Attachments: Proposed Moratorium in the West Portal NCD

From: wallis lim [mailto:wallis_lim@yahoo.com]
Sent: Wednesday, September 07, 2016 11:37 AM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Low, Jen (BOS) <jen.low@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Re: Proposed Moratorium in the West Portal NCD

Dear Supervisor Yee:

I am a long time resident of San Francisco. I just heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. My question is why you are doing this and who can possibly gain from this? It doesn't make sense. Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how this goal can be accomplished by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years, especially during the most recent recession. Most of all, you will force a respected financial advisor, Peter Chen at 360-A West Portal, out of this neighborhood and out of business. He and his wife operate a family business who haven't done anything wrong and they have spent a large sum remodeling their office well before the proposed new legislation was ever thought up. Based on the reasons specified above, I am strongly against this legislation and am asking you to withdraw it or to stop the process immediately. We all look forward to an outcome which is favorable to Peter Chen as well as for businesses such as his in the West Portal neighborhood.

Michelle Lim

Somera, Alisa (BOS)

From: Meredith Hystad <meredith.hystad@gmail.com>
Sent: Wednesday, September 07, 2016 12:29 PM
To: Cohen, Malia (BOS); Wiener, Scott; Peskin, Aaron (BOS); commissioners@sfwater.org; Somera, Alisa (BOS); Avalos, John (BOS); Campos, David (BOS); Lee, Mayor (MYR); cgroom@smcgov.org; mfinley@smcgov.org; parkscommission@smcgov.org
Subject: Protect our Water Shed

Please don't open this pristine area to trash, erosion, threat of fire.
Please protect our wildlife.
Please protect our water.
Please protect the water shed.

There is no way to guarantee "responsible" behavior of those who would enter the area without oversight.
99% of wild fires are caused by human carelessness.
Illegal pot growers would love a new forest to pollute.

THE PUBLIC CAN ALREADY VISIT BY SIGNING UP FOR DOCENT LED TOURS.

PLEASE PROTECT THIS PRECIOUS WILDERNESS.

Meredith Hystad

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 06, 2016 10:34 AM
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: File 160894 FW: Your proposed legislation re West Portal NCD

From: Edward Remedios [mailto:ecrem@ix.netcom.com]
Sent: Friday, September 02, 2016 6:24 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Low, Jen (BOS) <jen.low@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Your proposed legislation re West Portal NCD

Dear Supervisor Yee,

We are long-time residents of San Francisco (District 2) and our son and his wife made their home in District 7 in 2002. We know several of our son's neighbors and have many other friends in District 7. We often visit the West Portal neighborhood. We use professional services of three businesses in District 7 on a regular basis and frequently support other businesses (restaurants, shops, etc.) in the district.

We were told of the new legislation you introduced on August 2, 2016 to enact a new Moratorium in the West Portal Neighborhood Commercial District (NCD), which discriminates against professional services. We are shocked that you would propose such legislation and strongly oppose it. Why are you are doing this and who benefits from it?

For the West Portal NCD to continue to thrive, it must have a mix of businesses. The inclusion of professional service businesses is essential to the achievement of that goal. We have seen deterioration in other areas of San Francisco, by the opening of too many beauty salons, coffee shops, etc. We have also seen some business premises remain vacant for long periods, creating blight on the neighborhood. Your proposed legislation will surely create additional vacancies in a neighborhood that has been plagued by vacancies over the years. Most of all, you will force our long-time advisor, Peter Chen, at 360-A West Portal, out of the West Portal area. We strongly oppose this legislation and ask that you do not move forward with it.

By this email, we request Supervisor Mark Farrell, our supervisor from District 2, to oppose your proposed legislation. We will also forward this email to those we know in District 7.

Sincerely,
Edward & Roberta Remedios



Virus-free. www.avast.com

Somera, Alisa (BOS)

From: Mercia Pereira <mercsf@sbcglobal.net>
Sent: Monday, September 05, 2016 6:58 PM
To: Yee, Norman (BOS); jenna.clark@wellsfargo.com; Board of Supervisors, (BOS)
Subject: 360-A West Portal, SF

Dear Supervisor Yee; Ms. Low and Board of Supervisors:

I am a long time resident of San Francisco. I heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and I am appalled by it. I need to ask you why you are doing this, and who can possibly gain from this? Do you wish to see more hair/nail salons, pet groomers, dry cleaners, second hand clothing stores or other unsustainable businesses on West Portal? I certainly do not!!

We all wish for a more vibrant West Portal NCD. However, I fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services," which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years. (For building owners: this will surely depress rents). Most of all, you will force my long-time advisor, Peter Chen at 360-A West Portal, out of this neighborhood. I am strongly against this legislation and am asking you to stop the process immediately.

Sincerely,

Mercia Tiscornia

Somera, Alisa (BOS)

From: Regina Wong <regina_wong@sbcglobal.net>
Sent: Saturday, September 03, 2016 3:34 PM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: New Moratorium

Dear Supervisor Yee:

I was born, raised, and moved back to San Francisco (District 7). I heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. I need to ask you why you are doing this, and who can possibly gain from this? Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years. (For building owners: this will surely depress rents). Most of all, you will force my long-time advisor, Peter Chen at 360-A West Portal, out of this neighborhood. I am strongly against this legislation and am asking you to stop the process immediately.

*Regards,
Regina Wong*

Somera, Alisa (BOS)

From: Ivy Ang <ivyang@sbcglobal.net>
Sent: Sunday, September 04, 2016 1:07 PM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: West Portal NCD

Dear Supervisor Yee:

I am a long time resident of San Francisco or (District 7). I heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. I need to ask you why you are doing this, and who can possibly gain from this?

We all wish for a more vibrant West Portal NCD. However, I fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years. (For building owners: this will surely depress rents). Most of all, you will force my long-time advisor, Peter Chen at 360-A West Portal, out of this neighborhood. I am strongly against this legislation and am asking you to stop the process immediately.

Sincerely,

ivy ang

Somera, Alisa (BOS)

From: Dominic Tiscornia <domjt@sbcglobal.net>
Sent: Monday, September 05, 2016 6:55 PM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: 360-A West Portal, SF

Dear Supervisor Yee; Ms. Low and Board of Supervisors:

I am a long time resident of San Francisco. I heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and I am appalled by it. I need to ask you why you are doing this, and who can possibly gain from this? Do you wish to see more hair/nail salons, pet groomers, dry cleaners, second hand clothing store or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services," which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years. (For building owners: this will surely depress rents). Most of all, you will force my long-time advisor, Peter Chen at 360-A West Portal, out of this neighborhood. I am strongly against this legislation and am asking you to stop the process immediately.

Sincerely,

Dominic Tiscornia

Somera, Alisa (BOS)

From: Robert McGuire <rmcguire235@gmail.com>
Sent: Tuesday, September 06, 2016 9:18 AM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: West Portal Moratorium

Dear Supervisor Yee:

I am a long time resident of San Francisco. I heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. I need to ask you why you are doing this, and who can possibly gain from this? Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years. (For building owners: this will surely depress rents). Most of all, you will force my long-time advisor, Rick Fain at 360-A West Portal, out of this neighborhood. I am strongly against this legislation and am asking you to stop the process immediately.

I can be reached at 415-626-7040 if you wish to reach me regarding my thoughts. Thank you for your consideration regarding this matter.

--

Robert S. McGuire
415-626-7040
415-350-5405 (cell).

Somera, Alisa (BOS)

From: Diana Schindler <dmschindler@gmail.com>
Sent: Tuesday, September 06, 2016 10:09 AM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)

Dear Mr. Lee,

As a District 7 voter and longtime resident in this neighborhood, I was shocked to learn this weekend that our financial advisor, Peter Chen of Raymond James, may be forced to move thanks to an "urgent" moritorium sponsored by you.

After he left Morgan Stanley in 2014, Mr. Chen spent about a year searching for rental office space near his home and the homes of most of his clients. West Portal was the ideal location for all of us, but the rental process there was onerous, mired in red tape. After a difficult search, Mr. Chen found space, remodeled it extensively, and moved in last year. Unfortunately, his troubles weren't over. Notwithstanding the fact that any reasonable person would say 360-A West Portal is on the second floor, he was forced last October by a technicality to apply for a CUA for first floor professional use. Now in the midst of that lengthy process, he was just informed of your "urgent" legislation to circumvent that process.

As your moritorium is suspiciously targeted, I can only assume that you are doing a favor for one of his competitors. Shame on you! You certainly are not helping us or the other Raymond James clients, nor are you doing anything to make West Portal a vibrant shopping district. Please desist with your legislation and let the current legal process run its course.

Yours sincerely,

Diana Schindler
142 Lomita Avenue
San Francisco, CA 94122

--
Sent from Gmail Mobile

Somera, Alisa (BOS)

From: Diana Schindler <dmschindler@gmail.com>
Sent: Tuesday, September 06, 2016 10:18 AM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: Fwd: Moritorium Legislation for West Portal Professional Businesses

Dear Mr. Yee,

In my haste to send you the message below, I overlooked a typo on your name. Please accept my apology and know that I will remember you in the next supervisorial election.

Yours,
Diana Schindler

----- Forwarded message -----

From: **Diana Schindler** <dmschindler@gmail.com>
Date: Tuesday, September 6, 2016
Subject:
To: norman.yee@sfgov.org
Cc: jen.low@sfgov.org, board.of.supervisors@sfgov.org

Dear Mr. Lee,

As a District 7 voter and longtime resident in this neighborhood, I was shocked to learn this weekend that our financial advisor, Peter Chen of Raymond James, may be forced to move thanks to an "urgent" moritorium sponsored by you.

After he left Morgan Stanley in 2014, Mr. Chen spent about a year searching for rental office space near his home and the homes of most of his clients. West Portal was the ideal location for all of us, but the rental process there was onerous, mired in red tape. After a difficult search, Mr. Chen found space, remodeled it extensively, and moved in last year. Unfortunately, his troubles weren't over. Notwithstanding the fact that any reasonable person would say 360-A West Portal is on the second floor, he was forced last October by a technicality to apply for a CUA for first floor professional use. Now in the midst of that lengthy process, he was just informed of your "urgent" legislation to circumvent that process.

As your moritorium is suspiciously targeted, I can only assume that you are doing a favor for one of his competitors. Shame on you! You certainly are not helping us or the other Raymond James clients, nor are you doing anything to make West Portal a vibrant shopping district. Please desist with your legislation and let the current legal process run its course.

Yours sincerely,

Diana Schindler
142 Lomita Avenue
San Francisco, CA 94122

Somera, Alisa (BOS)

From: cherradi kazar <cherradi@kazarinternational.com>
Sent: Sunday, September 04, 2016 1:22 PM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: West portal NCD

Dear Supervisor Yee:

I am a long time resident of San Francisco or (District 7). I heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. I need to ask you why you are doing this, and who can possibly gain from this?

We all wish for a more vibrant West Portal NCD. However, I fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years. (For building owners: this will surely depress rents). Most of all, you will force my long-time advisor, Peter Chen at 360-A West Portal, out of this neighborhood. I am strongly against this legislation and am asking you to stop the process immediately.

Kind regards,

cherradi m kazar
Mobile: 1-415-577-4344

Somera, Alisa (BOS)

From: WALLIS LIM <wallislim@sbcglobal.net>
Sent: Sunday, September 04, 2016 11:24 AM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS); Board of Supervisors, (BOS)
Subject: Proposed Moratorium in the West Portal NCD

Dear Supervisor Yee:

I am a long time resident of San Francisco. I just heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. I am strongly against it and am appalled by it. My question is why you are doing this and who can possibly gain from this? It doesn't make sense. Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how this goal can be accomplished by discriminating against an entire genre of "Business and Professional Services", which I'd like to see more of, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years, especially during the most recent recession. Most of all, you will force my long-time friend, Peter Chen at 360-A West Portal, out of this neighborhood and out of business. He and his wife operate a family business who haven't done anything wrong and they have spent a large sum remodeling their office well before the proposed new legislation was ever thought up. Based on the reasons specified above, I am strongly against this legislation and am asking you to withdraw it or to stop the process immediately. We all look forward to an outcome which is favorable to Peter Chen as well as for businesses such as his in the West Portal neighborhood. Thank you, Wallis Lim.

Somera, Alisa (BOS)

From: Judy Schindler <bschindler@sbcglobal.net>
Sent: Saturday, September 03, 2016 4:55 PM
To: Yee, Norman (BOS)
Cc: Low, Jen (BOS)
Subject: West Portal Zoning

Dear Supervisor Yee:

We have lived in District 7 for more than 30 years. We heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD. We are strongly opposed to it. Why is this legislation necessary, and who benefits from this action? Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, we fail to see how you accomplish this goal by discriminating against an entire genre of "Business and Professional Services", which we would like to see more of, not less. Your proposed legislation will likely create additional vacancies in a neighborhood that has already been plagued by vacancies over the years. By in acting this legislation, you will force my long-time financial advisor, Peter Chen at 360-A West Portal, out of this neighborhood. We are strongly against this legislation and ask you to stop the process immediately.

Dr. and Mrs. Brian Schindler
55 Yerba Buena Ave
San Francisco, CA 94127

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 06, 2016 11:17 AM
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: File 160894 FW: Businesses in West Portal Ave. and additional emails concerning 160894

Attachments: West Portal Zoning; New Moratorium; Proposed Moratorium in the West Portal NCD; West Portal NCD; West portal NCD; 360-A West Portal, SF; 360-A West Portal, SF; West Portal Moratorium; Untitled; Fwd: Moritorium Legislation for West Portal Professional Businesses

From: Augusto Elias [mailto:rael4832@yahoo.com]
Sent: Saturday, September 03, 2016 12:10 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Jen.Cow@sfgov.org; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Businesses in West Portal Ave.

Dear Supervisor Yee:

I am a long time resident of San Francisco (District 7). I have heard about the new legislation you introduced on August 2 to enact a new Moratorium in the West Portal NCD.

I am strongly against it and am appalled by it. I would ask you the reasons for this new legislation, and who can possibly gain from it? Do you wish to see more hair/nail salons, pet groomers, dry cleaners, or other unsustainable businesses on West Portal?

We all wish for a more vibrant West Portal NCD. However, I fail to see how you would accomplish this goal by discriminating against an entire genre of "Business and Professional Services", which I'd would like to see more of them, not less. Your discrimination will surely create additional vacancies in a neighborhood that is already plagued by vacancies over the years, and surely will depress rents (Think about retired people which only income come from their rentals).

With the enforcement of this new legislation, you will force my long-time advisor, Peter Chen at 360-A West Portal, out of this neighborhood.

I am strongly against this legislation and am asking you to reconsider it and stop the process immediately.

Sincerely

Augusto Elias

BOARD of SUPERVISORS



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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

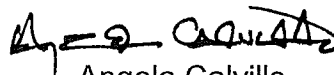
Date: Monday, September 19, 2016

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 160894. Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 16, 2016.


Angela Calvillo
Clerk of the Board

DATED: September 7, 2016
PUBLISHED/MAILED/POSTED: September 9, 2016

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Alisa Somera
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description AS - 9/19/16 Land Use - 160894

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/09/2016

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

EXM# 2923087
NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, SEPTEMBER 19, 2016 - 1:30 PM
CITY HALL, LEGISLATIVE CHAMBER, ROOM 250
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 160894. Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 16, 2016.
- Angela Calvillo, Clerk of the Board



BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 160894

Description of Item(s):

Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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.

I, BRENT JAEPA, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: SEPTEMBER 9, 2016

Time: 10:15 AM

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: *Brent Jaepa*

Instructions: Upon completion, original must be filed in the above referenced file.

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Todd Rufo, Director, Office of Economic and Workforce Development
John Rahaim, Director, Planning Department
Mohammed Nuru, Director, Public Works
Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: *AS* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: August 11, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Yee on August 2, 2016:

File No. 160894

Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
Scott Sanchez, Director, Planning Department
Sarah Jones, Director, Planning Department
AnMarie Rodgers, Director, Planning Department
Aaron Starr, Director, Planning Department
Joy Navarrete, Director, Planning Department
Jeanie Poling, Director, Planning Department

Frank Lee, Public Works

Janet Martinsen, Municipal Transportation Agency

Kate Breen, Municipal Transportation Agency

Dillon Auyoung, Municipal Transportation Agency

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

August 11, 2016

File No. 160894

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

Dear Ms. Jones:

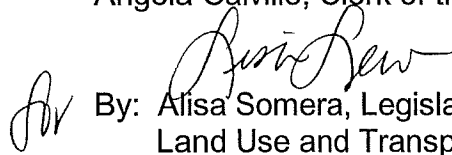
On August 2, 2016, Supervisor Yee introduced the following proposed legislation:

File No. 160894

Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

 By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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

MEMORANDUM

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

FROM: *el for* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: August 11, 2016

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

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

File No. 160894

Urgency Ordinance approving an interim zoning moratorium to prohibit first story Business or Professional Service uses in the West Portal Avenue Neighborhood Commercial District for 45 days, in accordance with California Government Code, Section 65858; 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.

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.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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 [] 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):

Supervisor Yee

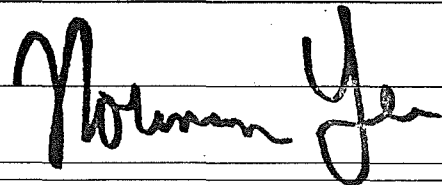
Subject:

Zoning - Interim Moratorium on First Story Business or Professional Service Uses in West Portal Avenue
Neighborhood Commercial District

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

