

File No. 131068

Committee Item No. 5

Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 25, 2013

Board of Supervisors Meeting

Date December 10, 2013

Cmte Board

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| <input 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 type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
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Completed by: Andrea Ausberry Date November 21, 2013

Completed by:  Date 12-4-13

AMENDED IN COMMITTEE
(11/25/13)

FILE NO. 131068

RESOLUTION NO.

1 [Interim Zoning – Building Permits for Commercial Buildings Uses in an Area Bounded by
2 Market, Second, Brannan, Division, and South Van Ness Streets]

3
4 **Resolution imposing interim zoning controls to require that for a 12-month period in**
5 **the area bounded by Market Street from Van Ness Street east to 5th Street on the north**
6 **side and east to 2nd Street on the south side, 2nd Street south to Brannan Street,**
7 **Brannan Street west to Division Street, and South Van Ness Street north to Market**
8 **Street 1) certain building permits for any commercial buildings with some commercial**
9 **use shall require the posting of a notice and a 15-day delay in starting the work and 2)**
10 **the re-establishment of a commercial use that has been converted to residential use**
11 **shall require Planning Commission approval through either an authorization under**
12 **Planning Code Section 320 et seq. or a conditional use authorization; and making**
13 **environmental findings and a determination of consistency with the Priority Policies of**
14 **Planning Code Section 101.1.**

15
16 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning
17 controls to accomplish several objectives, including preservation of areas of mixed residential
18 and commercial uses and preservation of the City's rental housing stock; and,

19 WHEREAS, Planning Code Section 320 provides that the creation of 25,000 square
20 feet or more of additional office space shall be subject to the office cap and other
21 requirements of Section 320 et seq. ("Proposition M"); and,

22 WHEREAS, Proposition M defines "preexisting office space" as "office space used
23 primarily and continuously for office use and not accessory to any use other than office use for
24
25

1 five years prior to Planning Commission approval of an office development project which
2 office use was fully legal under the terms of San Francisco law"; and,

3 WHEREAS, There is evidence that preexisting office space has been abandoned and
4 converted to residential use in multiple buildings in the area of San Francisco bounded by
5 Market Street from Van Ness Street east to 5th Street on the north side and to 2nd Street on
6 the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street,
7 and South Van Ness north to Market; and

8 WHEREAS, Under the Planning Code, reestablishment of an office use that has been
9 abandoned for five years is considered a new office use subject to Planning Commission
10 Proposition M authorization, payment of associated development impact fees, and other
11 applicable requirements of the Planning Code; and,

12 WHEREAS, This Board wants to control the removal of existing residential uses in
13 commercial spaces and re-establishment of office uses until such time as the Planning
14 Department can propose permanent legislation; and,

15 WHEREAS, This Board has considered the impact on the public health, safety, peace,
16 and general welfare if the proposed interim controls are not imposed; and,

17 WHEREAS, This Board has determined that the public interest will best be served by
18 imposition of these interim controls at this time in order to ensure that the legislative scheme
19 which may ultimately be adopted is not undermined during the planning and legislative
20 process for permanent controls; and,

21 WHEREAS, The Planning Department has determined that the actions contemplated in
22 this Resolution are in compliance with the California Environmental Quality Act (California
23 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
24 the Board of Supervisors in File No. 131068 and is incorporated herein by reference; now,
25 therefore, be it

1 RESOLVED, That pursuant to Planning Code Section 306.7, the Board of Supervisors
2 by this Resolution hereby requires that during the pendency of these interim controls certain
3 building permits for ~~commercial~~ any buildings with some commercial use in the area of San
4 Francisco bounded by Market Street from Van Ness Street east to 5th Street on the north side
5 and to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west
6 to Division Street, and South Van Ness Street north to Market Street shall require a notice to
7 be posted the day of permit issuance in a conspicuous location on the ground floor of the
8 building for the work specified below; and, be it

9 FURTHER RESOLVED, That if a posted notice is required it shall meet the
10 requirements of the Planning and Building Departments and at a minimum shall state in plain
11 language and in multiple languages the following information: "The building permit described
12 below has been issued by the City and County of San Francisco. It is the City's understanding
13 that no one lives in this building. If you or someone you know lives in this building and may be
14 displaced by this work, please call the following number prior to the expected construction
15 start date on _____;" and, be it

16 FURTHER RESOLVED, That if a posted notice is required, work under the issued
17 permit may not start until the expiration of 15 days from permit issuance and posting of the
18 notice; and, be it

19 FURTHER RESOLVED, That the building permits that are subject to the posted notice
20 and 15-day hold requirements are for: Structural or architectural work above the ground floor
21 in the interior of a ~~any commercial~~ building with some commercial use that obtained its first
22 certificate of occupancy ~~was built~~ prior to 1979, is valued at \$15,000 or more, and requires the
23 submittal of floor plans; and, be it

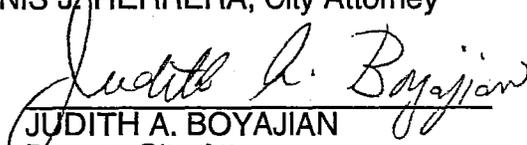
1 FURTHER RESOLVED, That during the pendency of these interim controls, the
2 reestablishment of any commercial use that has been converted to residential use shall
3 require Planning Commission approval through either a Proposition M authorization or a
4 conditional use; and, be it

5 FURTHER RESOLVED, That these interim controls shall remain in effect for twelve
6 (12) months unless further extended or until the adoption of permanent legislation, whichever
7 shall first occur; and, be it

8 FURTHER RESOLVED, That these interim controls are not in conflict with and hence
9 are consistent with the Priority Policies of Planning Code Section 101.1.

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

12 By:


13 JUDITH A. BOYAJIAN
14 Deputy City Attorney

15 n:\legana\as2013\1400202\00886615.doc
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25

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

JUDITH A. BOYAJIAN
Deputy City Attorney

DIRECT DIAL: (415) 554-4636
E-MAIL: judy.boyajian@sfgov.org

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Supervisor Jane Kim
FROM: Judith A. Boyajian *JK*
Deputy City Attorney
DATE: November 5, 2013
OUR FILE NUMBER: 1400202
TYPE OF LEGISLATION: Resolution

Attached please find the original and two copies of the following Substitute Resolution imposing interim controls:

Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street 1) except for a permit to address life/safety issues, a building permit for a commercial building shall not be issued pending the Planning Department's determination that the commercial space has not been converted to any residential use, and 2) the reestablishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code Section 320 et seq. or a conditional use authorization; to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings and a determination of consistency with the Priority Policies of Planning Code Section 101.1.

NOTES: The long title has been amended and the legislation revised to add the north side of Market Street east to 5th Street to the boundaries of the area covered by the interim controls.

We have also forwarded you an electronic version of the legislation for submission to the Clerk of the Board upon introduction of this legislation. Please let me know if you have any questions or would like any additional information.

cc: Jon Givner

orig: LU Clerk
BOS-11
Cpage

Martin E. Harband
12 Geary Street, Suite 405
San Francisco, CA 94108

Tel. 650.573 9500
meharband@hotmail.com

November 18, 2013

VIA FACSIMILE: 415 554-5163

Board of Supervisors
Land Use & Economic Development Committee
City Hall, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 NOV 18 PM 3:01
u

Re: "File No. 131068"
"Interim zoning controls to prohibit the issuance of building permits..."

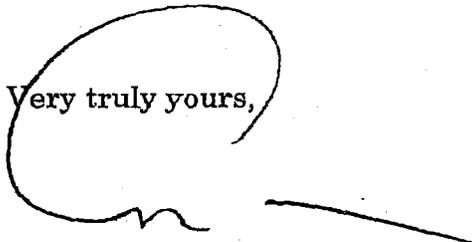
Ladies & gentlemen:

I cannot think of a worse idea than to prohibit the issuance of building permits for currently approved uses in a planning area.

The City should be fair to the property owners and/or users and allow improvements if the use is currently approved. To prohibit building permits encourages build-outs without building permits.

Balance "fairness" against "pie-in-the-sky and never-ending planning studies" before a decision is made.

Thank you.

Very truly yours,


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

November 1, 2013

File No. 131068

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On October 29, 2013, Supervisor Kim introduced the following proposed legislation:

File No. 131068

Resolution imposing interim zoning controls to prohibit, for a 12-month period, the issuance of building permits for certain commercial uses in the area bounded by Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street and to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and 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 that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Exempt from CEQA per
CEQA Guidelines Section 15064(c)
Not a project.
Nannie Turrell
November 1, 2013*

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

November 7, 2013

File No. 131068-2

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On November 5, 2013, Supervisor Kim introduced the following **substitute** legislation:

File No. 131068-2

Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: 1) except for a permit to address life/safety issues, a building permit for a commercial building shall not be issued pending the Planning Department's determination that the commercial space has not been converted to any residential use; and 2) the reestablishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code Section 320 et seq. or a conditional use authorization; to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

A Categorical Exemption stamp was submitted for the previous version on November 1, 2013. If you wish to submit an additional determination for this revised legislation, please forward it to me.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, 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: John Rahaim, Director, Planning Department
Jonas Ionin, Commission Secretary, Planning Commission
Tom Hui, Director, Department of Building Inspection
Regina Dick-Endrizzi, Director, Small Business Commission

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: November 7, 2013

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following **substitute** legislation, introduced by Supervisor Kim on November 5, 2013:

File No. 131068-2

Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: 1) except for a permit to address life/safety issues, a building permit for a commercial building shall not be issued pending the Planning Department's determination that the commercial space has not been converted to any residential use; and 2) the reestablishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code Section 320 et seq. or a conditional use authorization; to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you would like to submit reports or comments prior to the hearing, 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: alisa.miller@sfgov.org and andrea.ausberry@sfgov.org.

c: Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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

November 1, 2013

File No. 131068

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On October 29, 2013, Supervisor Kim introduced the following proposed legislation:

File No. 131068

Resolution imposing interim zoning controls to prohibit, for a 12-month period, the issuance of building permits for certain commercial uses in the area bounded by Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street and to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and 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 that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, 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: John Rahaim, Director, Planning Department
Jonas Ionin, Commission Secretary, Planning Commission
Tom Hui, Director, Department of Building Inspection
Regina Dick-Endrizzi, Director, Small Business Commission

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: October 31, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Kim on October 29, 2013:

File No. 131068

Resolution imposing interim zoning controls to prohibit for a 12-month period the issuance of building permits for certain commercial uses in the area bounded by Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street and to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and a determination of consistency with the eight priority policies of Planning Code, Section 101.1.

If you would like to submit reports or comments prior to the hearing, 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: alisa.miller@sfgov.org and andrea.ausberry@sfgov.org.

c: Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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 ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development 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, November 25, 2013

Time: 1:30 p.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 131068. Resolution imposing interim zoning controls to prohibit, for a 12-month period, the issuance of building permits for certain commercial uses in the area bounded by Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street and to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with San Francisco 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 a 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, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, 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, November 22, 2013.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

for Angela Calvillo, Clerk of the Board

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Andrea Ausberry
S.F. 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 11/25/13 LU - File No. 131068 Interim Controls

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):

11/15/2013

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.

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THE INTER-CITY EXPRESS, OAKLAND (510) 272-4747

EXM 2558239

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE MONDAY, NOVEMBER 25, 2013 - 1:30 P.M. COMMITTEE ROOM 263, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development 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. 131068. Resolution imposing interim zoning controls to prohibit, for a 12-month period, the issuance of building permits for certain commercial uses in the area bounded by Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street and to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. In accordance with San Francisco 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 a 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, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, 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, November 22, 2013. Angela Calvillo, Clerk of the Board



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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. 131068

Description of Items:

Resolution imposing interim zoning controls to prohibit, for a 12-month period, the issuance of building permits for certain commercial uses in the area bounded by Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street and to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

I, JAMES PHUNG, 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: November 15, 2013

Time: 6:00 PM

USPS Location: 1300 EVANS AVE

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

Signature: 

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

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 NOV 5 PM 12:33
Time stamp
for 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. [131068]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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

Sponsor(s):

Supervisor Kim

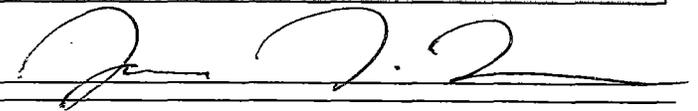
Subject:

Interim Zoning - Residential Uses in Commercial Buildings in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

