

File No. 190689 Committee Item No. 4  
 Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 15, 2019

Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
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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 checked="" type="checkbox"/> | <input 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                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
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**OTHER (Use back side if additional space is needed)**

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA 061919</u>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Hearing Notice 071519</u> |
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Completed by: Erica Major Date July 11, 2019  
 Completed by: Erica Major Date \_\_\_\_\_

1 [Interim Zoning Control - Conditional Use Authorization Required for a Change of Use from  
2 Nighttime Entertainment to Another Use Allowed in the Defined South of Market Area]

3 **Resolution imposing an interim zoning control for an 18-month period requiring**  
4 **conditional use authorization for a change in use from nighttime entertainment to any**  
5 **other use allowed in the area South of Market Street bounded by the southwest side of**  
6 **12th Street to the southwest side of 5th Street and the south side of Market Street to**  
7 **the south side of Harrison Street; affirming the Planning Department's determination**  
8 **under the California Environmental Quality Act; and making findings of consistency**  
9 **with the eight priority policies of Planning Code, Section 101.1.**

10  
11 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning  
12 controls that promote the public interest, including but not limited to 1) preservation of  
13 neighborhoods and areas of mixed residential and commercial uses in order to preserve the  
14 existing character of such neighborhoods and areas and 2) development and conservation of  
15 the commerce and industry of the City in order to maintain the City's economic vitality, to  
16 provide its citizens with adequate jobs and business opportunities, and to maintain adequate  
17 services for its residents, visitors, businesses, and institutions; and

18 WHEREAS, Nighttime Entertainment, defined in Section 102 of the Planning Code as  
19 including such uses as dance halls, discotheques, nightclubs, and other similar evening-  
20 oriented activities, is a vital sector of the City's economy, an important source of employment  
21 for City residents, and a cultural and recreational dimension of City life valued by residents  
22 and visitors alike; and

23 WHEREAS, It is important to preserve existing Nighttime Entertainment uses because  
24 the areas of the City where they are allowed is restricted due to their incompatibility with other  
25 uses because of late-night hours, potentially loud music, and/or large patron volumes; and

1           WHEREAS, The interim control provided for in this resolution will allow time for the  
2 orderly completion of a planning study and for the adoption of appropriate legislation to  
3 preserve Nighttime Entertainment uses as a viable and vital economic sector of the City; and

4           WHEREAS, This Board of Supervisors ("Board") has considered the impact on the  
5 public health, safety, and general welfare if this interim control is not imposed; and

6           WHEREAS, The Board has determined that the public interest will be served by  
7 imposition of this interim control to ensure that the legislative scheme which may ultimately be  
8 adopted is not undermined during the planning and legislative process for permanent controls;  
9 and

10           WHEREAS, The Board makes the following findings of consistency with the Priority  
11 Policies set forth in Planning Code, Section 101.1: This interim control advances and is  
12 consistent with Priority Policy 5 in that it attempts to maintain a diverse economic base by  
13 protecting an important service sector from displacement; with respect to Policies 1-4 and 6-8,  
14 the Board finds that this interim control does not, at this time, have an effect upon these  
15 policies and thus will not conflict with said policies; and

16           WHEREAS, The Planning Department has determined that the actions contemplated in  
17 this resolution comply with the California Environmental Quality Act (California Public  
18 Resources Code, Sections 21000 et seq.); said determination is on file with the Clerk of the  
19 Board of Supervisors in File No. 190689 and is incorporated herein by reference; the Board  
20 affirms this determination; now, therefore, be it

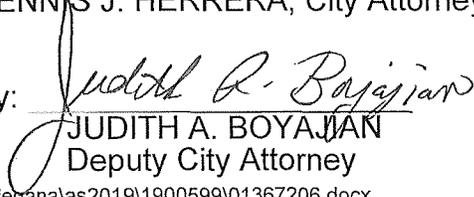
21           RESOLVED, That during the period of this interim control and any extension thereof, a  
22 Conditional Use authorization from the Planning Commission is required for any change in  
23 use from an existing Nighttime Entertainment use to any other Principal Use, Conditional Use,  
24 or Accessory Use (as these terms are defined in Section 102 of the Planning Code) in the  
25 area South of Market Street bounded by the southwest side of 12th Street to the southwest

1 side of 5th Street and the south side of Market Street to the south side of Harrison Street; and,  
2 be it

3 FURTHER RESOLVED, That this interim control shall remain in effect for a period of  
4 18 months unless extended by the Board of Supervisors in accordance with Planning Code  
5 Section 306.7(h) or until permanent controls are adopted, whichever shall first occur.  
6

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

9 By:

  
10 JUDITH A. BOYAJIAN  
Deputy City Attorney

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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

June 19, 2019

File No. 190689

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

Dear Ms. Gibson:

On June 11, 2019, Supervisor Haney submitted the proposed legislation:

**File No. 190689**

**Resolution imposing an interim zoning control for an 18-month period requiring conditional use authorization for a change in use from nighttime entertainment to any other use allowed in the area South of Market Street bounded by the southwest side of 12th Street to the southwest side of 5th Street and the south side of Market Street to the south side of Harrison Street; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with 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 "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: 2019.06.25 09:34:31 -0700



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Department Report Interim Zoning Controls

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*To:* Angela Calvillo, Clerk of the Board  
*From:* Aaron Starr, Manager of Legislative Affairs  
*Date:* June 28, 2019  
*Regarding:* Six-month Report for the Interim Zoning Controls - Off-Street Parking in the "Hub" Area  
*Reporting Date:* June 22, 2019  
*Expiration Date:* June 22, 2019  
*Case Number:* Board File No. 171015/ Enactment Number 448-17

### STATEMENT OF PURPOSE

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of the zoning proposal(s) contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. For any control that is placed in effect for more than six months, a report to the Board of Supervisors is required six months from the date of the imposition of the controls and at least every six months thereafter. This report is intended to satisfy that requirement.

### BACKGROUND

This report was prepared in response to Resolution 448-17 (Board File 171015), introduced by Supervisor Breed on September 19, 2017, and passed into law on December 22, 2017. This Resolution imposed, for 18 months, interim zoning controls limiting off-street parking for new development projects in the area known as "the Hub" or the "Market Street Hub."

### REQUIRED ANALYSIS

Per Planning Code Section 306.7, this report is required to address the interim controls; any required study; and an estimate the timeline needed to create permanent controls.

#### (1) Status of Interim Controls:

The proposed Interim Controls were adopted by the Board on December 12, 2017 and became effective on December 22, 2017 for 18 months. The 18-month period expired on June 22, 2019.

#### Summary of Interim Controls

The interim controls limited off-street parking for new development projects to the principally-permitted accessory parking ratios established under the Planning Code, and removing the possibility to apply for a conditional use authorization to increase such parking, in the area known as "the Hub" or the "Market Street Hub," which covers the eastern-most portions of the Market and Octavia Plan area (see map below); applying these interim zoning controls to development projects that have not received an approval of a development application prior to the effective date of this Resolution and will provide no on-site affordable housing under the City's Inclusionary Affordable Housing Program.

(2) Findings and Recommendations To Date:

**Study**

In the early 2000s, the Hub neighborhood near the intersections of Market Street with Valencia, Haight and Gough streets, historically known as "The Hub," was included within the boundaries of the 2008 Market and Octavia Area Plan. The Plan includes numerous policies that support a vision for the Hub as a "vibrant new mixed-use neighborhood," and it also created the Van Ness and Market Downtown Residential Special Use District (SUD). This SUD encourages the development of a transit-oriented, high-density, mixed-use residential neighborhood around the intersections of Market Street and Van Ness Avenue and Mission Street and Van Ness, and buildings ranging from 250 to 400 feet and reduced parking. Following the Plan's adoption in 2008, most of the housing imagined in the Hub was stalled due to the recession. Now, the area is receiving concentrated attention from the development community.

Major infrastructure improvements, such as Van Ness Avenue Bus Rapid Transit, were identified in the Market and Octavia Area Plan and have since moved through conceptual design. The sudden convergence of both infrastructure improvements and private development activity requires careful coordination and could afford great opportunity to achieve Plan objectives in a more holistic and effective fashion. Considering these recent changes, Planning is studying this portion of the Market and Octavia Plan to consider plan amendments. The proposed Market Octavia Plan Amendment seeks to benefit from current opportunities and analyze the potential for zoning and policy refinements that will better ensure that the area's growth supports the City's goals for housing, transportation, and the public realm.

The existing interim controls are intended to prevent projects from seeking parking more than what is principally permitted in the Planning Code while the Market and Octavia Plan Amendments are being developed. This is being done to ensure that new developments do not provide excessive parking, which would run counter to the vision for the Hub Area as a transit-oriented neighborhood. Further, restricting parking is consistent with the City's Transit First Policy, its Greenhouse Gas Reduction Ordinance, and the General Plan's Transportation Element.

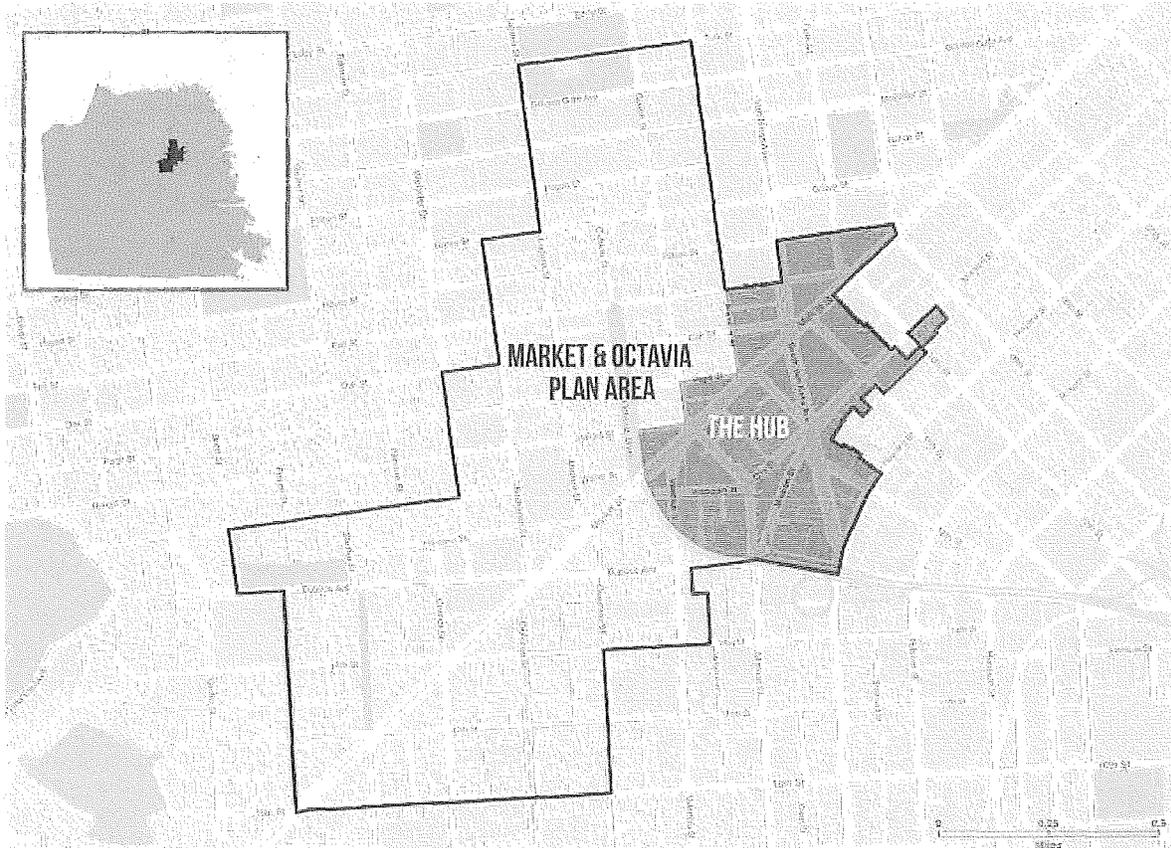
**Estimated Completion Time of Study**

The study of potential permanent controls, which the Department refers to as the Market and Octavia Plan Amendments, is still in the process and should be completed by early 2020. The next few months will provide the City additional time to formulate more comprehensive parking regulations for the HUB area.

**REQUIRED BOARD ACTION**

This Report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.

HUB Interim Controls Area Map



**Boundaries:** Generally, bound by Fell and Hayes Streets to the north; Market and Howard Streets to the east; Highway 101 to the south and southeast; and Haight, Gough, Page, and Franklin Streets to the west.

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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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, July 15, 2019

**Time:** 1:30 p.m.

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

**Subjects:** File No. 190689. Resolution imposing an interim zoning control for an 18-month period requiring conditional use authorization for a change in use from nighttime entertainment to any other use allowed in the area South of Market Street bounded by the southwest side of 12th Street to the southwest side of 5th Street and the south side of Market Street to the south side of Harrison Street; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with 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 are available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 12, 2019.

  
f Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: July 3, 2019

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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June 19, 2019

**File No. 190689**

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

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

Attachment

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

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 JUN 11 PM 3:48

Time stamp  
or meeting date

BY 3

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):

Haney

Subject:

Interim Zoning Control - Conditional Use Authorization Required for a Change of Use from Nighttime Entertainment to Another Use Allowed in the Defined South of Market Area

The text is listed:

Resolution imposing an interim zoning control for an 18-month period requiring conditional use authorization for a change in use from nighttime entertainment to any other use allowed in the area South of Market Street bounded by the southwest side of 12th Street to the southwest side of 5th Street and the south side of Market Street to the south side of Harrison Street; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor:

For Clerk's Use Only