

File No. 200086 Committee Item No. 6
 Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date April 13, 2020
 Board of Supervisors Meeting Date April 21, 2020

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 020520</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral PC 020420</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 022820</u> |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice 0323220</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Revised Hearing Notice 032320</u> |
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Completed by: Erica Major Date April 10, 2020
 Completed by: Erica Major Date April 14, 2020

1 [Planning Code, Zoning Map - Bayview Industrial Triangle Redevelopment Area Rezoning]

2

3 **Ordinance amending the Planning Code by amending the Zoning Map to change the**

4 **use classification of certain parcels in the Bayview Industrial Redevelopment Project**

5 **Area (“Project Area”) from M-1 (Light Industrial), M-2 (Heavy Industrial) and NC-3**

6 **(Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production,**

7 **Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial**

8 **Transit) Districts, and to change the height and bulk classification of certain parcels in**

9 **the Project Area from 40-X to 65-X; affirming the Planning Department’s determination**

10 **under the California Environmental Quality Act; and making findings of consistency**

11 **with the General Plan and the eight priority policies of Planning Code, Section 101.1,**

12 **and findings of public necessity, convenience, and welfare under Planning Code,**

13 **Section 302.**

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

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

20

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance are excluded from review under the California Environmental Quality Act (California
24 Public Resources Code Sections 21000 et seq.) because CEQA applies only to projects
25 which have the potential for causing a significant effect on the environment under CEQA

1 Guidelines section 15061(b)(3). Said determination is on file with the Clerk of the Board of
 2 Supervisors in File No. 200086 and is incorporated herein by reference. The Board affirms
 3 this determination.

4 (b) On February 20, 2020, the Planning Commission, in Resolution No. 20661,
 5 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 6 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
 7 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
 8 the Board of Supervisors in File No. 200086, and is incorporated herein by reference.

9 (c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will
 10 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
 11 Commission Resolution No. 20661, and incorporates such reasons by this reference thereto.
 12 A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No.
 13 200086.

14
 15 Section 2. The Planning Code is hereby amended by revising Sectional Map ZN10 of
 16 the Zoning Map of the City and County of San Francisco, as follows:

Assessor’s Parcels Block/Lot Number	Use District to be Superseded	Use District Hereby Approved
5235/003	M-1 <u>M-2</u>	PDR-1-G
5242/015	M-1	PDR-1-G
5242/016	M-1	PDR-1-G
5242/020	M-1	PDR-1-G
5242/021	M-1	NCT-3
5242/022	M-1	NCT-3

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5242/023	M-1	NCT-3
5242/024	M-1	NCT-3
5242/042	M-1	NCT-3
5253/008	M-1	NCT-3
5253/009	M-1	PDR-1-G
5253/013	M-1	PDR-1-G
5253/015	M-1	PDR-1-G
5253/016	M-1	PDR-1-G
5253/017	M-1	PDR-1-G
5253/018	M-1	PDR-1-G
5253/020	M-1	PDR-1-G
5253/028	M-1	PDR-1-G
5253/029	M-1	NCT-3
5253/030	M-1	NCT-3
5253/031	M-1	NCT-3
5253/032	M-1	NCT-3
5253/033	M-1	NCT-3
5253/034	M-1	NCT-3
5253/039	M-1	PDR-1-G
5260/001	M-1	NCT-3
5260/004	M-1	PDR-1-G
5260/010	M-1	PDR-1-G
5260/019	M-1	PDR-1-G
5260/030	M-1	PDR-1-G

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5260/031	M-1	PDR-1-G
5260/032	M-1	NCT-3
5260/034	M-1	NCT-3
5260/035	M-1	NCT-3
5260/036	M-1	NCT-3
5260/037	M-1	PDR-1-G
5260/038	M-1	PDR-1-G
5260/041	M-1	NCT-3
5260/042	M-1	NCT-3
5272/011	M-1	PDR-1-G
5272/014	M-1	PDR-1-G
5272/015	M-1	PDR-1-G
5272/016	M-1	PDR-1-G
5272/017	M-1	PDR-1-G
5272/018	M-1	PDR-1-G
5272/019	M-1	PDR-1-G
5272/020	M-1	PDR-1-G
5272/043	M-1	PDR-1-G
5272/044	M-1	PDR-1-G
5272/045	M-1	NCT-3
5272/048	M-1	NCT-3
5278/015	NC-3	NCT-3
5279/001	M-1	NCT-3
5279/002	M-1	NCT-3

1	5279/003	M-1	NCT-3
2	5279/004	NC-3	NCT-3
3	5279/033	M-1	PDR-1-G
4	5279/034	M-1	PDR-1-G
5	5279/035	M-1	PDR-1-G
6	5279/036	M-1	PDR-1-G
7	5279/037	M-1	PDR-1-G
8	5279/039	M-1	PDR-1-G
9	5279/041	M-1	PDR-1-G
10	5279/042	M-1	PDR-1-G
11	5279/043	M-1	PDR-1-G
12	5279/044	M-1	PDR-1-G
13	5279/045	M-1	PDR-1-G
14	5279/048	M-1	PDR-1-G
15	5279/049	M-1	PDR-1G
16	5279/051	M-1	PDR-1-G
17	5279/053	M-1	PDR-1-G
18	5279/054	M-1	PDR-1-G

Section 3. The Planning Code is hereby amended by revising Sectional Map HT10 of the Zoning Map of the City and County of San Francisco, as follows:

Assessor's Parcels Block/Lot Number	Height District to be Superseded	Height District Hereby Approved
5260/001	40-X	65-X

5278/015	40-X	65-X
5279/004	40-X	65-X

Section 4. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative on its effective date stated in subsection (a) or on the effective date of the ordinance in Board of Supervisors File No. 200039 creating the Potrero Power Station Special Use District, whichever is later.

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

By: /s/
AUDREY WILLIAMS PEARSON
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(4/13/2020, Amended in Committee)

[Planning Code, Zoning Map - Bayview Industrial Triangle Redevelopment Area Rezoning

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (“Project Area”) from M-1 (Light Industrial), M-2 (Heavy Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, parcels in the Bayview Industrial Triangle Redevelopment Area are zoned M-1 (light industrial), M-2 (heavy industrial) and NC-3 (moderate-scale neighborhood commercial). Height limits are generally 65 feet, with several parcels limited to 40 feet.

Amendments to Current Law

This ordinance would amend the Planning Code zoning controls for the area to PDR-1-G (general production, distribution and repair) and NCT-3 (moderate-scale neighborhood commercial transit). Parcels zoned for 40 feet would increase to 65 feet.

Background Information

The Bayview Industrial Triangle Redevelopment Area, along 3rd Street, is set to expire in June 2020. This ordinance would change the underlying zoning within the area from M-1 and M-2 (zoning districts that are being phased out by the Planning Department) and NC-3, to PDR and NC-T. Because housing is allowed as a conditional use in M-1 and M-2 zones, but not allowed in PDR zones, this rezoning will reduce the residential capacity of the City by approximately 61 units. Therefore, under Government Code section 66300(i)(1), adopted by Senate Bill 330 in 2019, this ordinance is contingent on the increased residential capacity proposed in the rezoning for the Potrero Power Station mixed use project (approximately 1300 additional units).



SAN FRANCISCO PLANNING DEPARTMENT

March 2, 2020

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

Re: **Transmittal of Planning Department Case Number 2020-000084PCA/MAP:
Bayview Industrial Triangle Zoning Update
Board File No. 200086
Planning Commission Recommendation: Approval with comment**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Calvillo and Supervisor Walton,

On February 20, 2020, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Walton that would amend the San Francisco Planning Code by amending sectional map sheet ZN10 to change the use classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from M-1 (light industrial) and NC-3 to PDR-1-G (general industrial) and NCT-3 (moderate-scale neighborhood commercial transit); amending sectional map sheet HT10 to change the height classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from 40-X to 65-J. At the hearing the Planning Commission recommended approval with consideration for the Bayview Plaza site.

The Commission's proposed considerations were as follows:

- Consider land use compatibility in future deliberations regarding the Bayview Plaza site to accommodate a school

The proposed amendments are appropriately exempt from environmental review under the Common Sense Exemption under CEQA Guidelines Section 15061(b)(3) because they would have no significant environmental effects.

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

Transmittal Materials

CASE NO. 2020-000084PCA/MAP
Bayview Industrial Triangle Zoning Update

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:

Audrey Pearson, Deputy City Attorney
Percy Burch, Aide to Supervisor Walton
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20661

HEARING DATE: FEBRUARY 20, 2020

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

Project Name: Bayview Industrial Triangle Zoning Update
Case Number: 2020-000084PCA/MAP [Board File No. 200086]
Initiated by: Supervisor Walton / Introduced January 28, 2020
Staff Contact: Reanna Tong, Citywide
reanna.tong@sfgov.org, (415) 575-9193
Reviewed by: Susan Exline, Principal Planner
Susan.exline@sfgov.org, (415) 558-6332

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY AMENDING SECTIONAL MAP SHEET ZN10 TO RECLASSIFY CERTAIN PARCELS IN THE BAYVIEW INDUSTRIAL TRIANGLE REDEVELOPMENT PROJECT AREA FROM M-1 TO PDR-1-G, M-2 TO PDR-1-G, AND M-1 AND NC-3 TO NCT-3; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on January 28, 2020, Supervisor Walton introduced a proposed ordinance under Board of Supervisors (hereinafter "Board") File number 200086, which would amend Sheet ZN10 of the Zoning Map to change the zoning districts within the Bayview Industrial Triangle Redevelopment Area from M-1, M-2, and NC-3, to PDR-1-G and NCT-3; and,

WHEREAS, the Planning Commission (hereafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 20, 2020; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15061(b)(3); and,

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and,

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and,

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

MOVED, that the Commission hereby approves of the proposed Ordinance with future consideration for the land uses at the Bayview Plaza site to accommodate a school.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission finds the proposed Ordinance and recommended consideration for the Bayview Plaza site are in accordance with the General Plan as it will maintain and enhance a sound and diverse economic base and fiscal structure for the city. The Ordinance will also ensure and encourage the retention and provision of neighborhood-serving goods and services in the Bayview Industrial Triangle.

1. In the City's FY 12-13 budget, responsibility for providing strategic direction, planning and oversight of early care and education programs was consolidated in the new agency, OECE.
2. The proposed Ordinance will correct the Planning Code so that it is in line with the City's current practices and adopted budget.
3. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended considerations are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposal would apply the PDR controls to the project area, which work to retain existing uses and encourage new PDR type uses and activities. The PDR sector has brought economic and job diversity to San Francisco by supporting other business sectors through services and goods such as catering, equipment rental, and product manufacturing. PDR businesses are a source of employment for a wide range of employees, including those who do not have a college degree, yet provide a salary that is higher than the retail sector.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The proposal would apply the PDR controls to the Bayview Industrial Triangle, which would help to retain job generating uses and activities. PDR jobs have been shown to provide better wages than other industries for employees who do not have a college degree.

OBJECTIVE 4

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

Policy 4.5

Control encroachment of incompatible land uses on viable industrial activity.

The proposal would apply the PDR controls to the Bayview Industrial Triangle, which would help to maintain the industrial character of the area. These controls maintain the PDR uses, by limiting the amount of office, housing and retail in the PDR area.

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed reclassification would not have a negative effect on existing neighborhood-serving retail uses in the area, the proposed reclassification provides flexibility to encourage future neighborhood-serving retail and housing density along the Third Street corridor.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed reclassification maintains the intent of the Bayview Industrial Triangle Redevelopment Plan by permitting housing on the project area's principal arterial (Third Street), but not off Third Street; and preserving and protecting existing neighborhood-serving retail and PDR uses through the restriction of office and residential uses off Third Street.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed reclassification would not have an adverse effect the City's existing supply of affordable housing, but enhances the supply by allowing for greater housing density on Third Street.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed amendment would protect industrial and service sectors from displacement. PDR use districts were created with the intent to retain space for jobs and help reduce land use conflicts between housing and industry. The PDR districts have strict controls which limit the intrusion of residential, large retail, and office uses into active industrial districts. The proposed amendment therefore, will work to protect the existing industrial and service sectors from displacement.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

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

5. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

Resolution No. 20661
February 20, 2020

CASE NO. 2020-000084PCA/MAP
Bayview Industrial Triangle Zoning Update

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 20, 2020.



Jonas P. Ionin
Commission Secretary

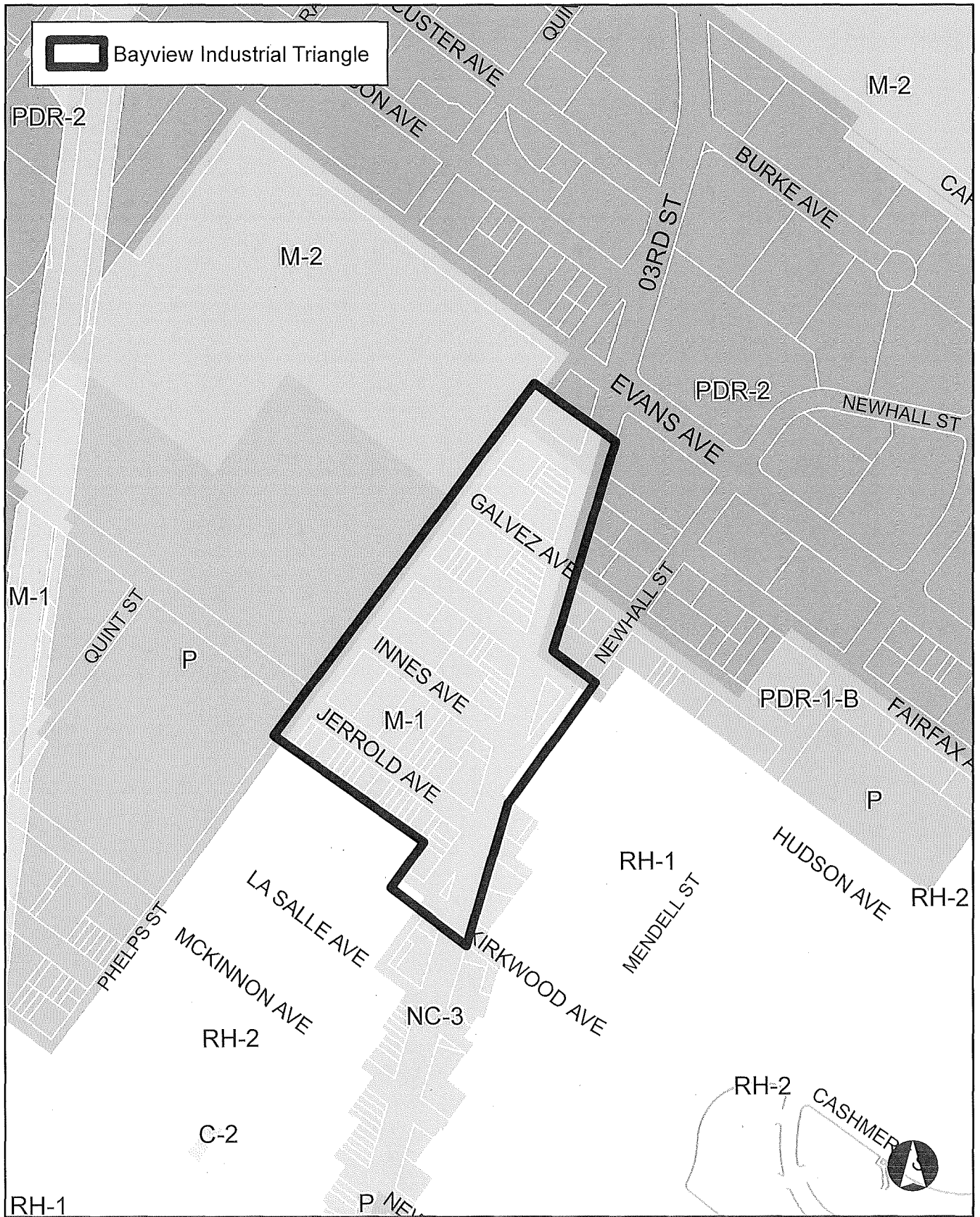
AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

NOES: None

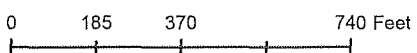
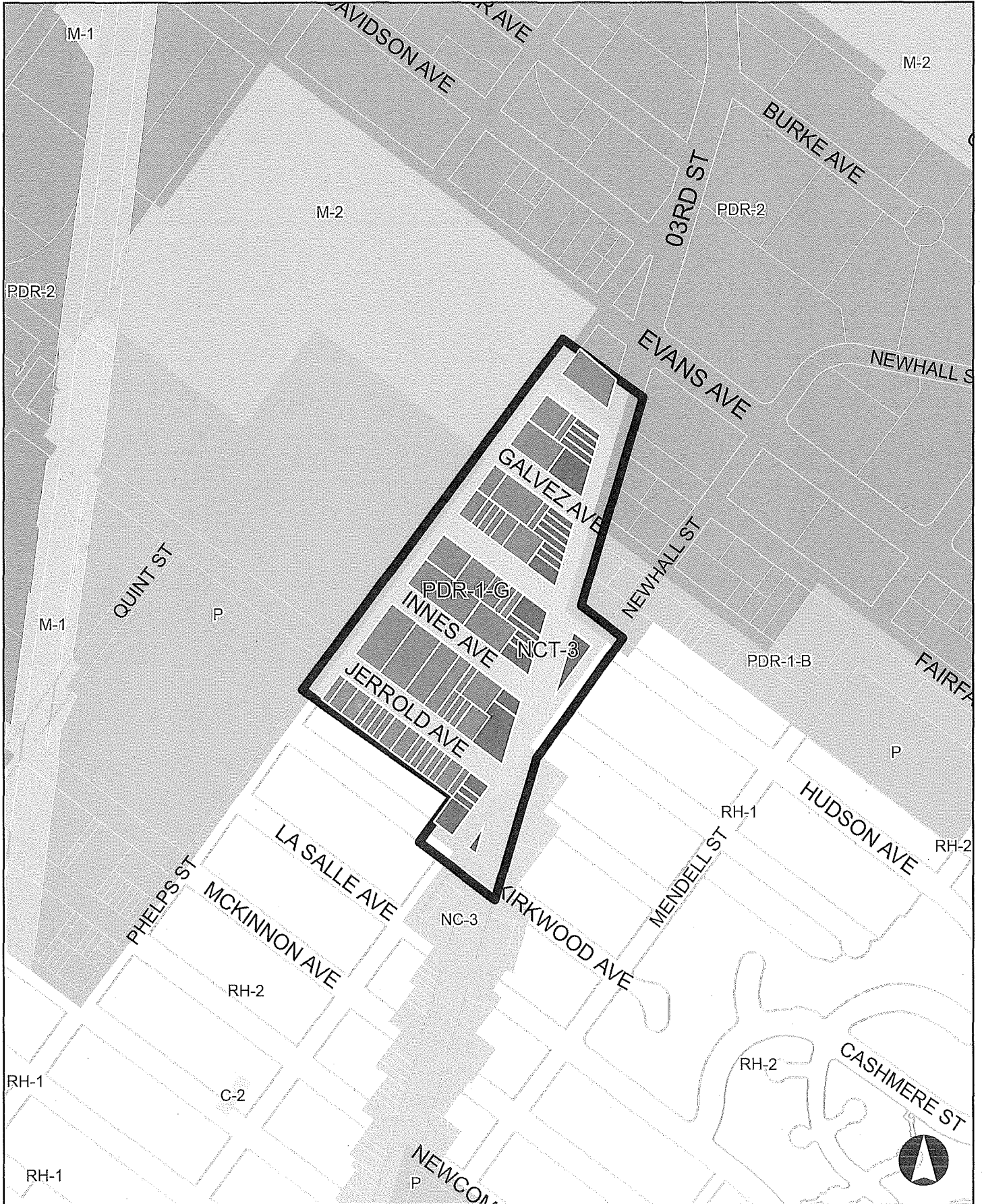
ABSENT: Richards

ADOPTED: February 20, 2020

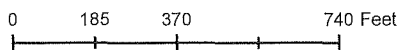
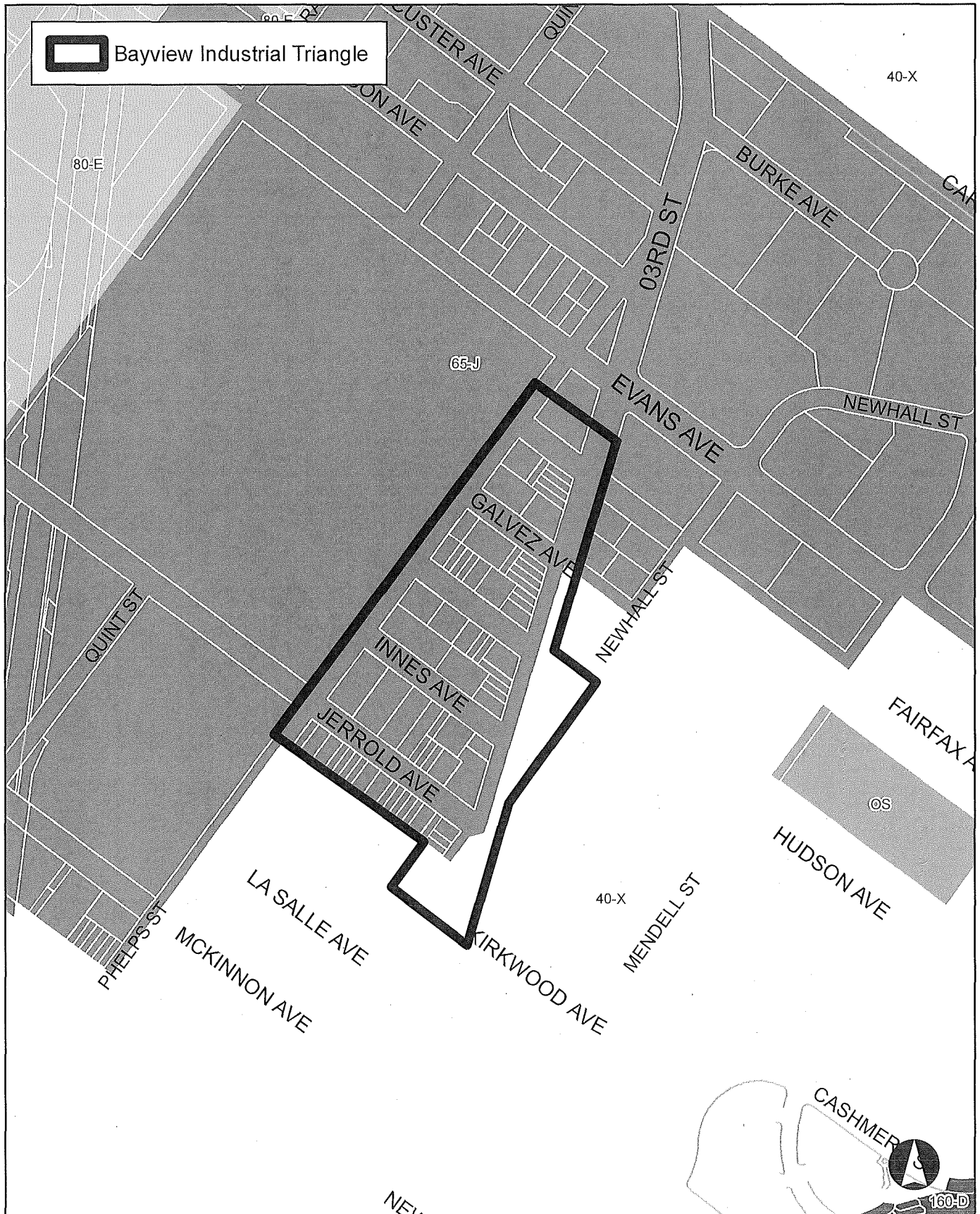
Bayview Industrial Triangle - Existing Zoning
(Lot Area: 9.7 acres)
San Francisco



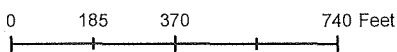
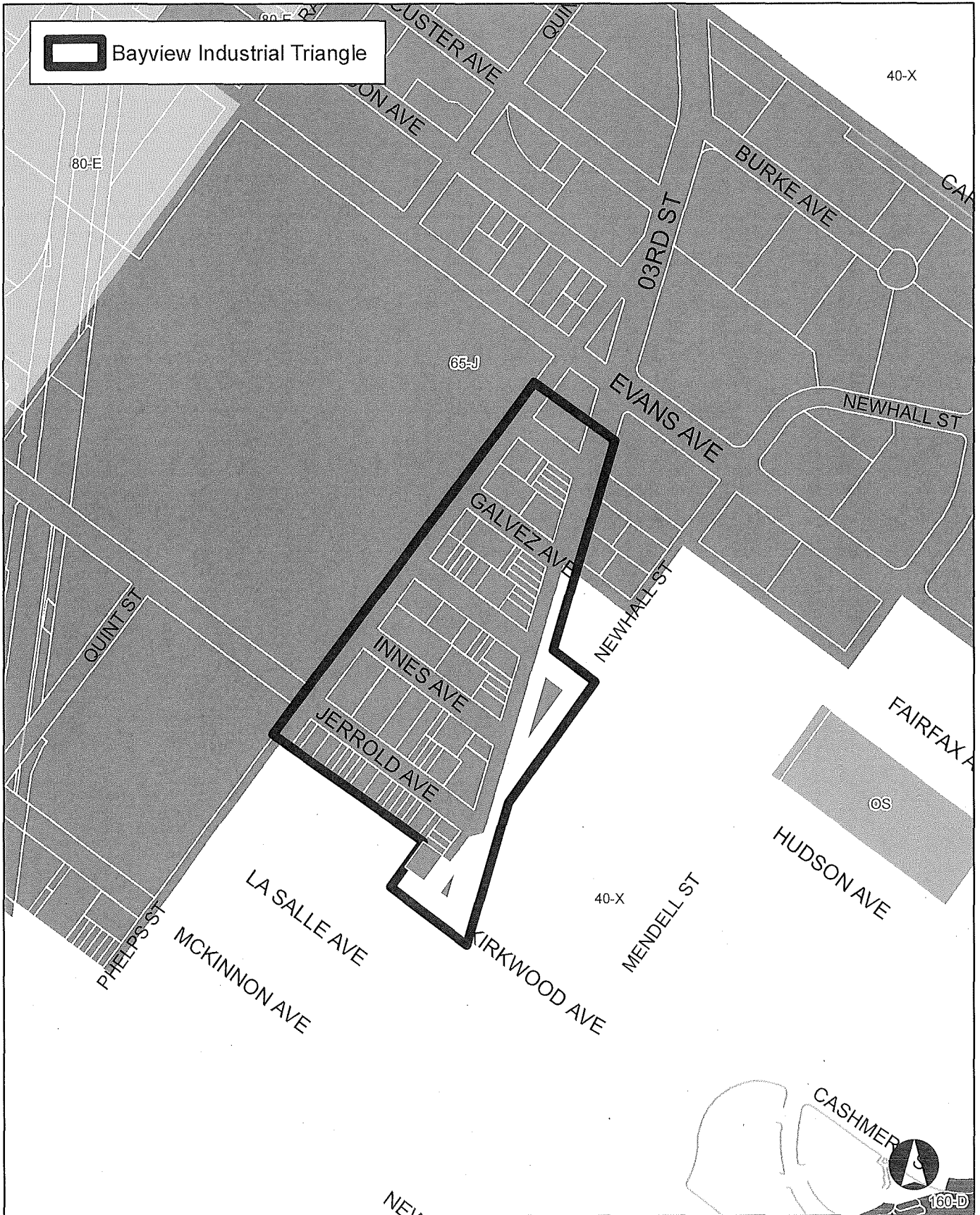
Bayview Industrial Triangle Proposed Zoning
(Lot Area: 9.7 acres)
San Francisco



Bayview Industrial Triangle - Existing Heights
(Lot Area: 9.7 acres)
San Francisco



Bayview Industrial Triangle - Proposed Heights
(Lot Area: 9.7 acres)
San Francisco





SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text & Zoning Map Amendment

HEARING DATE: FEBRUARY 20, 2020

90-DAY DEADLINE: APRIL 27, 2020

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Bayview Industrial Triangle Zoning Update
Case Number: 2020-000084PCA/MAP [Board File No. 200086]
Initiated by: Supervisor Walton / Introduced January 28, 2020
Staff Contact: Reanna Tong, Citywide
Reanna.tong@sfgov.org, 415-575-9193
Reviewed by: Susan Exline, Principal Planner
Susan.exline@sfgov.org, 415-558-6332
Recommendation: **Approval**

PLANNING CODE AMENDMENT

The proposed ordinance would amend the San Francisco Planning Code by amending sectional map sheet ZN10 to change the use classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from M-1 (light industrial) and NC-3 to PDR-1-G (general industrial) and NCT-3 (moderate-scale neighborhood commercial transit); amending sectional map sheet HT10 to change the height classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from 40-X to 65-J; and making and adopting environmental findings and findings of consistency with the general plan and the priority policies of planning code section 101.1.

The Way It Is Now:

1. All parcels, excluding those fronting Third Street within the Bayview Industrial Triangle Redevelopment Area, are classified as M-1 (light industrial) zoning; and,
2. All parcels fronting Third Street within the Bayview Industrial Triangle Redevelopment Area, except for parcel 5235/003, 5279/004, and 5278/015, are classified as M-1 (light industrial) zoning; and,
3. Parcels 5279/004 and 5278/015 are classified as NC-3 (moderate-scale neighborhood commercial) zoning; and,
4. Parcel 5235/003 is classified as M-2 (heavy industrial) zoning; and,
5. Parcels 5260/001, 5279/004, and 5278/015 are classified as 40-X.

The Way It Would Be:

1. **Zoning Map Amendment** reclassifying all parcels, excluding those fronting Third Street within the Bayview Industrial Triangle Redevelopment area, from M-1 (light industrial) and to PDR-1-G (General Production, Distribution, and Repair); and,
2. **Zoning Map Amendment** reclassifying all parcels fronting Third Street, except for parcels 5235/003, 5279/004, and 5278/015, within the Bayview Industrial Triangle Redevelopment area, from M-1 (light industrial) to NCT-3 (moderate-scale neighborhood commercial transit); and,
3. **Zoning Map Amendment** reclassifying parcels 5279/004 and 5278/015 from NC-3 (moderate-scale neighborhood commercial) to NCT-3 (moderate-scale neighborhood commercial transit); and,
4. **Zoning Map Amendment** reclassifying parcel 5235/003 from M-2 (heavy industrial) to PDR-1-G (General Production, Distribution, and Repair); and,
5. **Height & Bulk District Map Amendment** reclassifying parcels 5260/001, 5279/004, and 5278/015 from 40-X to 65-J.

BACKGROUND

The Bayview Industrial Triangle Redevelopment Area (“BIT”), comprised of 72 parcels, was adopted on June 30, 1980 for a forty-year time period. All real property in the Redevelopment Area is subject to the controls and requirements of the Redevelopment Plan. The intent of the Bayview Industrial Triangle Redevelopment Plan was to preserve and expand industrial uses and activities, limit office and residential uses, and allow for limited retail uses.

On June 30, 2020, the Bayview Industrial Triangle Redevelopment Plan will expire. As a result, the underlying M-1 zoning use and 65-foot height districts will take effect and all planning and entitlement responsibilities will transition from the Office of Community Infrastructure and Investment to the Planning Department. This legislation aims to retain the existing PDR uses and non-residential activities, minimize future land use conflicts, and provide for future employment opportunities. Over the last two decades, the Planning Department has undertaken ongoing legislative updates to rezone the city’s remaining M-1 zoning districts to more applicable, relevant, and contemporary zoning districts, particularly PDR districts. This legislation furthers the City’s goal in phasing out M-1 districts.

The proposed legislation has two main components: First, it would rezone all parcels off Third Street within the Bayview Industrial Triangle from M-1 (Light Industrial) to PDR-1-G (General Production, Distribution, and Repair). Second, it would rezone all parcels on Third Street within the Bayview Industrial Triangle from M-1 and NC-3 to NCT-3 (Moderate-Scale Neighborhood Commercial Transit). For most of the subject area, these zoning districts permit essentially the same land uses and, similarly to the Redevelopment Plan, would work to ensure that PDR uses remain the primary land uses.

The Redevelopment Plan currently allows light industrial and commercial uses, and residential uses above ground floor commercial uses along Third Street. New housing is being proposed for these parcels at a higher density than would be permitted in the underlying M-1 zoning. These projects are currently undergoing review by the Office of Community Infrastructure and Investment (OCII), the city agency currently holding jurisdiction of the Bayview Industrial Triangle Redevelopment Area. To allow these residential projects to make a smooth transition from existing zoning controls to proposed zoning, and for greater housing capacity, the Planning Department proposes to rezone these parcels and most parcels fronting Third Street to NCT-3.

ISSUES AND CONSIDERATIONS

Protection of San Francisco's PDR Sector

The Planning Department's paramount concern is the impact that M-1 zoning will have on the availability and affordability of the City's PDR stock. The concern is derived from Priority Policy Five in the Planning Code Section 101.1(b), which seeks to protect the City's "industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced."

M-1 Districts allows potentially conflicting and competing land uses such as housing (permitted with as a Conditional Use) and large-scale office and retail, where they had been strictly limited under the Redevelopment Plan. Retaining the existing M-1 controls could change the existing PDR character of the area and allow for the possibility that future land uses are inconsistent with the General Plan. PDR zoning districts limit the intrusion of residential, large retail, and office uses, which protects the existing PDR and service sectors from displacement.

Consistent Zoning on a Neighborhood Commercial Transit Corridor

The Bayview Industrial Plan Redevelopment Plan zoning acknowledges the Third Street corridor as an important commercial and transit corridor, allowing for light industrial, commercial, and residential. This is also generally consistent with the zoning on Third Street south of the Bayview Industrial Triangle, which is NC-3. However, the underlying zoning M-1 along Third Street within the Bayview Industrial Triangle itself is not consistent with either the Bayview Industrial Triangle Redevelopment Plan nor the adjacent zoning. The proposed zoning will re-zone all parcels along Third Street within the Bayview Industrial Triangle, except for parcel 5235/003, to NCT-3. This will maintain the Redevelopment Plan's zoning goals and consistency with adjacent Neighborhood Commercial zoning on Third Street. This particular zoning district will allow projects currently undergoing review by OCII to transition smoothly from Redevelopment Plan permissions to updated zoning districts.

Increased Housing Density on a Neighborhood Commercial Transit Corridor

The Planning Department continues to emphasize increased housing density along neighborhood commercial transit corridors as San Francisco and California continues to address the dire need for housing.

General Plan Compliance

This legislation is guided and supported by the city's General Plan, which lists priorities, goals, and policies the aim to continue San Francisco's economic vitality, social equity, and environmental quality. Rezoning the underlying zoning from M-1 to PDR-1-G and NCT-3 on Third Street will allow existing businesses and residents to stay in place; prevent other, more competitive uses from displacing smaller, neighborhood-serving businesses; encourage greater residential density on the Third Street commercial corridor; and promote social equity by retaining accessible and diverse jobs and industries in the community and city. The following General Plan goals and policies are supportive of this legislation:

Priority Policy 5: That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

Commerce and Industry Element

Goal 1. Economic Vitality: maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city.

Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

Policy 2.1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 3.1: Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 4.5: Control encroachment of incompatible land uses on viable industrial activity.

Policy 4.11: Maintain an adequate supply of space appropriate to the needs of incubator industries.

Policy 6.1: Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.3: Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Policy 6.6: Adopt specific zoning districts, which conform to a generalized neighborhood commercial land use and density plan.

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

The Zoning Map amendments in the proposed Ordinance help preserve long-standing PDR businesses and activities in the Bayview Industrial Triangle and reinforce the pattern of neighborhood-serving retail spaces with residential above within the neighborhood commercial corridor. These outcomes further racial and social equity in multiple ways. Production, Distribution, and Repair businesses, serve as a source of employment for workers who may not have a college degree and at a salary that is higher than the retail sector. Maintaining PDR zoning also limits new market-rate office uses in the Bayview Industrial Triangle, which often contain higher-wage jobs, which may be out of reach for many residents in the neighborhood.

Maintaining PDR zoning in the Bayview Industrial Triangle also limits the location of future residential developments in the area off of Third Street, maintaining an important boundary between PDR and residential uses in an area historically affected by environmental injustices. The proposed NCT zoning on Third Street will increase the potential for affordable housing in the Bayview by permitting greater housing density.

Compliance with California Senate Bill 330: Housing Crisis Act of 2019

Signed into law on October 9, 2019, Senate Bill 330 (SB330) establishes a statewide housing emergency effective from January 1, 2020 to January 1, 2025. The Senate Bill prohibits cities and localities from rezoning actions or imposing new development standards that would reduce the zoned capacity for housing that was allowable as of January 1, 2018. This includes reducing the maximum allowable height, density, or floor area ratio (FAR). Such reductions are only permissible if the city concurrently increases the zoned capacity of housing elsewhere such that no net loss in residential capacity within the jurisdiction would result.

The Planning Department evaluated the proposed Bayview Industrial Triangle rezoning under the requirements of SB330 and assumes the following:

- The zoned capacity in effect as of January 1, 2018 in the Bayview Industrial Triangle is listed in the Bayview Industrial Triangle Redevelopment Plan, which applies from June 30, 1980 to June 30, 2020.
- The proposed zoning for the Bayview Industrial Triangle is NCT-3 along Third Street (except for parcel 5235/003) and PDR-1-G elsewhere
- SB330 restricts actions based on housing capacity; other non-residential land uses are not evaluated

The Planning Department calculates that the Bayview Industrial Triangle Zoning Update will remove housing capacity from one site in the Redevelopment Area, compared to what was allowed under the Redevelopment Plan. This site, parcel 5235/005, is estimated to have a maximum of 64 residential units that will not be permitted under the proposed zoning (PDR-1-G). Concurrent with this zoning update is the upzoning for the Potrero Power Station (PPS) SUD, which will create capacity for approximately 2,600 units.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

Staff recommends amending Zoning Map ZN10 because:

- This rezoning furthers the goals of the General Plan. Priority Policy 5 clearly states that the City maintains a diverse economic base by protecting our industrial and service sectors from displacement due to commercial office development. The PDR controls, unlike the M controls, would better ensure that future land uses are consistent with the General Plan.
 - Priority Policy 5: “That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.”
- This rezoning is consistent with other industrial zoning updates that have been adopted by the Planning Commission and the Board of Supervisors. June 3, 2008, the Board of Supervisors adopted the PDR-1-B and PDR-2 zoning use districts. These districts were applied to the majority of industrial parcels in the Bayview Hunters Point Neighborhood. December 9, 2008, the Board of Supervisors adopted the Eastern Neighborhoods Program, which applied the PDR controls to the majority of areas previously zoned M-1 or M-2 in the East Soma, Mission, Showplace Square Potrero Hill and the Central Waterfront neighborhoods. April 21, 2009, the Board of Supervisors adopted the India Basin Industrial Park Zoning Map Amendment, which applied PDR controls to the areas previously zoned M-1 and M-2 in the India Basin Industrial Park Redevelopment Area.
- The rezoning would carry forward the intent of the soon-to-expire Bayview Industrial Triangle Redevelopment Plan and Project Area, which was created in collaboration with long-standing community members through thorough analysis and community goal-setting.
- Applying the PDR controls to Bayview Industrial Triangle would apply a new zoning use district but would not encourage a substantial change in the intensity of development or substantial change in use. The NCT controls on Third Street would allow for greater density of housing on the commercial corridor, which aligns with projects recently approved through the Office of Community Infrastructure and Investment which are awaiting final approval.
- The proposed Production, Distribution and Repair (PDR) controls would help to maintain the industrial character of the area, by limiting the amount of office and retail, and prohibiting residential uses. These restrictions were requirements of the Redevelopment Plan, and the PDR controls therefore, would continue a similar pattern of development.
- This rezoning would help to minimize future land use conflicts, as well as ensure that the area remains a place for jobs and non-residential activities.

REQUIRED COMMISSION ACTION

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

ENVIRONMENTAL REVIEW

Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the Common Sense Exemption (CEQA Guidelines Section 15061(b)(3)).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received approximately 15 letters with public comment on this project.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Full-sized Maps of Proposed Zoning and Height Map Amendments
- Exhibit C: CEQA Categorical Exemption Determination
- Exhibit D: Board of Supervisors File No. 200086
- Exhibit E: Letters of Support/Opposition or other supporting documentation, etc.

1 [Planning Code, Zoning Map - Bayview Industrial Triangle Redevelopment Area Rezoning]

2
3 **Ordinance amending the Planning Code by amending the Zoning Map to change the**
4 **use classification of certain parcels in the Bayview Industrial Redevelopment Project**
5 **Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood**
6 **Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3**
7 **(Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height**
8 **and bulk classification of certain parcels in the Project Area from 40-X to 65-X;**
9 **affirming the Planning Department's determination under the California Environmental**
10 **Quality Act; and making findings of consistency with the General Plan, and the eight**
11 **priority policies of Planning Code, Section 101.1, and findings of public necessity,**
12 **convenience, and welfare under Planning Code, Section 302.**

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

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance are excluded from review under the California Environmental Quality Act (California
24 Public Resources Code Sections 21000 et seq.) because CEQA applies only to projects
25 which have the potential for causing a significant effect on the environment under CEQA
Guidelines section 15061(b)(3). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
2 this determination.

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

8 (c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will
9 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
10 Commission Resolution No. _____, and incorporates such reasons by this reference
11 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
12 No. _____.

13
14 Section 2. The Planning Code is hereby amended by revising Sectional Map ZN10 of
15 the Zoning Map of the City and County of San Francisco, as follows:

16

17 Assessor's Parcels Block/Lot Number	Use District to be Superseded	Use District Hereby Approved
18 5235/003	M-1	PDR-1-G
19 5242/015	M-1	PDR-1-G
20 5242/016	M-1	PDR-1-G
21 5242/020	M-1	PDR-1-G
22 5242/021	M-1	NCT-3
23 5242/022	M-1	NCT-3
24 5242/023	M-1	NCT-3

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5242/024	M-1	NCT-3
5242/042	M-1	NCT-3
5253/008	M-1	NCT-3
5253/009	M-1	PDR-1-G
5253/013	M-1	PDR-1-G
5253/015	M-1	PDR-1-G
5253/016	M-1	PDR-1-G
5253/017	M-1	PDR-1-G
5253/018	M-1	PDR-1-G
5253/020	M-1	PDR-1-G
5253/028	M-1	PDR-1-G
5253/029	M-1	NCT-3
5253/030	M-1	NCT-3
5253/031	M-1	NCT-3
5253/032	M-1	NCT-3
5253/033	M-1	NCT-3
5253/034	M-1	NCT-3
5253/039	M-1	PDR-1-G
5260/001	M-1	NCT-3
5260/004	M-1	PDR-1-G
5260/010	M-1	PDR-1-G
5260/019	M-1	PDR-1-G
5260/030	M-1	PDR-1-G
5260/031	M-1	PDR-1-G

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5260/032	M-1	NCT-3
5260/034	M-1	NCT-3
5260/035	M-1	NCT-3
5260/036	M-1	NCT-3
5260/037	M-1	PDR-1-G
5260/038	M-1	PDR-1-G
5260/041	M-1	NCT-3
5260/042	M-1	NCT-3
5272/011	M-1	PDR-1-G
5272/014	M-1	PDR-1-G
5272/015	M-1	PDR-1-G
5272/016	M-1	PDR-1-G
5272/017	M-1	PDR-1-G
5272/018	M-1	PDR-1-G
5272/019	M-1	PDR-1-G
5272/020	M-1	PDR-1-G
5272/043	M-1	PDR-1-G
5272/044	M-1	PDR-1-G
5272/045	M-1	NCT-3
5272/048	M-1	NCT-3
5278/015	NC-3	NCT-3
5279/001	M-1	NCT-3
5279/002	M-1	NCT-3
5279/003	M-1	NCT-3

1	5279/004	NC-3	NCT-3
2	5279/033	M-1	PDR-1-G
3	5279/034	M-1	PDR-1-G
4	5279/035	M-1	PDR-1-G
5	5279/036	M-1	PDR-1-G
6	5279/037	M-1	PDR-1-G
7	5279/039	M-1	PDR-1-G
8	5279/041	M-1	PDR-1-G
9	5279/042	M-1	PDR-1-G
10	5279/043	M-1	PDR-1-G
11	5279/044	M-1	PDR-1-G
12	5279/045	M-1	PDR-1-G
13	5279/048	M-1	PDR-1-G
14	5279/049	M-1	PDR-1G
15	5279/051	M-1	PDR-1-G
16	5279/053	M-1	PDR-1-G
17	5279/054	M-1	PDR-1-G

18
19 Section 3. The Planning Code is hereby amended by revising Sectional Map HT10 of
20 the Zoning Map of the City and County of San Francisco, as follows:
21

22	Assessor's Parcels Block/Lot Number	Height District to be Superseded	Height District Hereby Approved
23	5260/001	40-X	65-X
24	5278/015	40-X	65-X

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5279/004	40-X	65-X
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Section 4. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

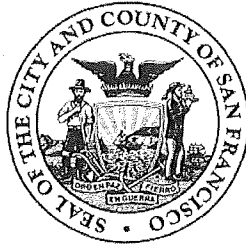
(b) This ordinance shall become operative on its effective date stated in subsection (a) or on the effective date of the ordinance in Board of Supervisors File No. 200039 creating the Potrero Power Station Special Use District, whichever is later.

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

By: 
AUDREY WILLIAMS PEARSON
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

February 5, 2020

File No. 200086

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

Dear Ms. Gibson:

On January 28, 2020, Supervisor Walton submitted the following substitute legislation:

File No. 200086

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Bayview Industrial Triangle Redevelopment Area Rezoning

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, parcels in the Bayview Industrial Triangle Redevelopment Area are zoned M-1 (light industrial) and NC-3 (moderate-scale neighborhood commercial). Height limits are generally 65 feet, with several parcels limited to 40 feet.

Amendments to Current Law

This ordinance would amend the Planning Code zoning controls for the area to PDR-1-G (general production, distribution and repair) and NCT-3 (moderate-scale neighborhood commercial transit). Parcels zoned for 40 feet would increase to 65 feet.

Background Information

The Bayview Industrial Triangle Redevelopment Area, along 3rd Street, is set to expire in June 2020. This ordinance would change the underlying zoning within the area from M-2 (a zoning district that is being phased out by the Planning Department) and NC-3, to PDR and NC-T. Because housing is allowed as a conditional use in M-2 zones, but not allowed in PDR zones, this rezoning will reduce the residential capacity of the City by approximately 61 units. Therefore, under Government Code section 66300(i)(1), adopted by Senate Bill 330 in 2019, it is contingent on the increased residential capacity proposed in the rezoning for the Potrero Power Station mixed use project (approximately 1300 additional units).



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
Bayview Industrial Triangle Redevelopment Area Rezoning		
Case No.		Permit No.
2020-000084ENV		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval.</p> <p>Bayview Industrial Triangle - The proposed ordinance would amend the San Francisco Planning Code by amending sectional map sheet ZN10 to change the use classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from M-1 (light industrial), M-2 (heavy industrial) and NC-3 (moderate-scale neighborhood commercial district) to PDR-1-G (general industrial) and NCT-3 (moderate-scale neighborhood commercial transit). The Bayview Industrial Triangle Redevelopment Area ("BIT"), comprised of approximately 75 parcels, was adopted on June 30, 1980 for a forty year time period. All real property in the Redevelopment Area is subject to the controls and requirements of the Redevelopment Plan. The intent of the Bayview Industrial Triangle Redevelopment Plan was to preserve and expand industrial uses and activities, limit office and residential uses, and allow for limited retail uses. On June 30, 2020, the Bayview Industrial Triangle Redevelopment Plan will expire. As a result, the underlying M-1, M-2, and NC-3 zoning uses and 65-foot height districts will take effect and all planning and entitlement responsibilities will transition from the Office of Community Infrastructure and Investment to the Planning Department. This legislation aims to retain the existing industrial uses and non-residential</p> <p>FULL PROJECT DESCRIPTION ATTACHED</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input checked="" type="checkbox"/>	<p>Class _____</p> <p>Common Sense Exemption - CEQA Guidelines Section 15061(b)(3)</p>

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Joy Navarrete</p> <p>PLEASE SEE ATTACHED</p>	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%; text-align: right;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Board of Supervisors Ordinance adoption	Signature: Joy Navarrete
		02/12/2020
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>		

Full Project Description

Bayview Industrial Triangle - The proposed ordinance would amend the San Francisco Planning Code by amending sectional map sheet ZN10 to change the use classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from M-1 (light industrial), M-2 (heavy industrial) and NC-3 (moderate-scale neighborhood commercial district) to PDR-1-G (general industrial) and NCT-3 (moderate-scale neighborhood commercial transit).

The Bayview Industrial Triangle Redevelopment Area ("BIT"), comprised of approximately 75 parcels, was adopted on June 30, 1980 for a forty year time period. All real property in the Redevelopment Area is subject to the controls and requirements of the Redevelopment Plan. The intent of the Bayview Industrial Triangle Redevelopment Plan was to preserve and expand industrial uses and activities, limit office and residential uses, and allow for limited retail uses.

On June 30, 2020, the Bayview Industrial Triangle Redevelopment Plan will expire. As a result, the underlying M-1, M-2, and NC-3 zoning uses and 65-foot height districts will take effect and all planning and entitlement responsibilities will transition from the Office of Community Infrastructure and Investment to the Planning Department. This legislation aims to retain the existing industrial uses and non-residential activities, minimize future land use conflicts, and provide for future employment opportunities.

The proposed legislation has several main components: 1) rezone all parcels off Third Street within the Bayview Industrial Triangle from M-1 (Light Industrial) to PDR-1-G (General Production, Distribution, and Repair); 2) rezone all parcels on Third Street within the Bayview Industrial Triangle, except for parcel 5235/003, from M-1 and NC-3 to NCT-3 (Moderate-Scale Neighborhood Commercial Transit); 3) rezone parcel 5235/003 from M-2 to PDR-1-G; and 4) reclassify the height and bulk for parcels 5260/001, 5279/004, and 5278/015 from 40-X to 65-J. For most of the subject area, these updated zoning districts permit essentially the same land uses and, similar to the Redevelopment Plan, would work to ensure that industrial type uses remain the primary land uses. Whereas the Redevelopment Plan permits projects up to a maximum of 40-feet in the entire Bayview Industrial Triangle (except for up to 65-feet allowed on Third Street), the underlying zoning permits projects up to a maximum of 65-feet for the entire Bayview Industrial Triangle area.

CEQA Impacts

The rezoning of the Bayview Industrial Triangle to the pre-1980 underlying zoning would permit essentially the same land uses as the present zoning and the existing height districts would remain the same. Three parcels would be reclassified height and bulk from 40-X to 65-J. The zoning change would be largely procedural and housekeeping measures, affecting only the administration and jurisdiction of permitting. Development permits within the BIT would be issued by the Planning Department instead of the Office of Community Infrastructure and Investment (OCII). There are no specific physical projects proposed under this rezoning - individual projects would require their own separate environmental review subsequent to this rezoning.

CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the Common Sense Exemption (CEQA Guidelines Section 15061(b)(3)).

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- Result in expansion of the building envelope, as defined in the Planning Code;
- Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
- Result in demolition as defined under Planning Code Section 317 or 19005(f)?
- Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
Bayview Industrial Triangle Redevelopment Area Rezoning		
Case No.		Permit No.
2020-000084ENV		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval.</p> <p>Bayview Industrial Triangle - The proposed ordinance would amend the San Francisco Planning Code by amending sectional map sheet ZN10 to change the use classification of certain parcels in the Bayview Industrial Triangle Redevelopment project area from M-1 (light industrial), M-2 (heavy industrial) and NC-3 (moderate-scale neighborhood commercial district) to PDR-1-G (general industrial) and NCT-3 (moderate-scale neighborhood commercial transit). The Bayview Industrial Triangle Redevelopment Area ("BIT"), comprised of approximately 75 parcels, was adopted on June 30, 1980 for a forty year time period. All real property in the Redevelopment Area is subject to the controls and requirements of the Redevelopment Plan. The intent of the Bayview Industrial Triangle Redevelopment Plan was to preserve and expand industrial uses and activities, limit office and residential uses, and allow for limited retail uses. On June 30, 2020, the Bayview Industrial Triangle Redevelopment Plan will expire. As a result, the underlying M-1, M-2, and NC-3 zoning uses and 65-foot height districts will take effect and all planning and entitlement responsibilities will transition from the Office of Community Infrastructure and Investment to the Planning Department. This legislation aims to retain the existing industrial uses and non-residential</p> <p>FULL PROJECT DESCRIPTION ATTACHED</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input checked="" type="checkbox"/>	<p>Class _____</p> <p>Common Sense Exemption - CEQA Guidelines Section 15061(b)(3)</p>

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Joy Navarrete</p> <p>PLEASE SEE ATTACHED</p>	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to <i>Property Information Map</i>)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Board of Supervisors Ordinance adoption	Signature: Joy Navarrete 02/12/2020
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

Full Project Description

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On June 30, 2020, the Bayview Industrial Triangle Redevelopment Plan will expire. As a result, the underlying M-1, M-2, and NC-3 zoning uses and 65-foot height districts will take effect and all planning and entitlement responsibilities will transition from the Office of Community Infrastructure and Investment to the Planning Department. This legislation aims to retain the existing industrial uses and non-residential activities, minimize future land use conflicts, and provide for future employment opportunities.

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CEQA Impacts

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CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the Common Sense Exemption (CEQA Guidelines Section 15061(b)(3)).

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.	
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.		
Planner Name:	Date:	



1615 Jerrold Avenue
San Francisco, CA 94124
Phone: (888) LAT-STIX

February 12, 2020

To: Mayor London Breed, San Francisco Mayor's Office
State Senator Scott Wiener
District 10 Supervisor Shamann Walton
San Francisco Planning
Sue Exline
Reanna Tong

FILE 200086 ✓ 700087
RECEIVED VIA EMAIL
03/18/2020

RE Re-zoning the Bayview Industrial Triangle from M-1 to PDR

To Whom It May Concern,

In spite of near unanimous opposition from BIT property owners and businesses, it seems that Planning is marching ahead with PDR zoning for the off-Third St area of the BIT. I would like to outline why this is bad for industrial businesses (like my own), for the Bayview, and for San Francisco as a whole. We have seen the future of the BIT under PDR. It is the present. A series of 70 year-old dilapidated metal warehouse in filled with vacant lots and chain-link fences, and an ever expanding population of camper vans.

Zoning that works for BIT business and property owners:

But first, a review of what I believe are the solution parameters. From the very first Planning meeting at Sam Jordan's last July, many of the business and property owners have asked for zoning that provides:

Increased Density

- More space creates more economic activity and supports business expansion.
- Expanded floor space creates room for more employees producing more jobs.
- Greater foot traffic improves neighborhood and reduces camper problem.
- 65 foot height as planned.

Maximum Flexibility

- Usage flexibility that addresses a rapidly changing economy.
- Add capacity for housing and/or office space and/or retail.

Retains Industrial Capacity

- 1:1 replacement of all industrial space.
- Retain ground floor industrial usage - upper floor industrial space is impractical.

Incentivizes Investment in Buildings

- Expand uses on upper floors to generate higher average rental yields to justify development.
- Development creates construction jobs and supports local economy.
- Create an attractive pedestrian experience.

And is driven by a rigorous planning process, that addresses the following questions:

- Is BIT more suitable for industrial, office, or housing? And how do you measure that?
- What would a mix look like?
- What is the current surplus/deficit of industrial space and what should it be?
- What is the direct and indirect economic impact of BIT industrial/housing/office usages?
- What usage creates the most direct / indirect jobs?
- Why does the Bayview always end up with the short end of the stick?

The Problem with Zoning Off-Third-BIT as PDR.

PDR formalizes the BIT as a low rent industrial ghetto. – Zoning exclusively PDR effectively caps today's rents at \$1.75/psf. With no incentive for improvements, lots empty for the past 40 years will remain empty. Seventy year-old, single story metal buildings will remain unimproved. Campers will continue to move-in. Voila! A ghetto segregated not by ethnicities, but by activity, in this case, industrial activity.

Industrial ghettos lack facilities for many modern businesses. Cheap rent and modern buildings are mutually exclusive. Exclusive PDR zoning will not provide financial incentives to upgrade buildings capable of increasingly popular uses such as food manufacturing(no floor drains), or electronics and robotics (clean room facilities). The BIT will be the city's repository of space for dirty, noisy, and the most price sensitive businesses.

BIT zoning to PDR creates a visual eyesore at the North gateway to the Bayview. As you travel South on Third from the gleaming Mission Bay buildings, past the modernist Chase Center, you enter first the revitalized Dogpatch. Renovated industrial buildings team with activity, and restaurants, galleries, and shops are a draw for people throughout San Francisco, and beyond. Further South is the India Basin area with tidy, 1980's modern warehouses. And then you cross Evans. On your left is a dated shopping center with dwindling businesses. And on the right are 5 blocks of dilapidated metal buildings, chainlink fences, empty lots, camper vans, and a generally scary environment . Welcome to the Bayview! From a strictly aesthetic perspective, zoning such an important location right on the Muni T with failed, Reagan-era redevelopment planning demonstrates a complete lack of imagination, and is nothing short of planning mal-practice.

PDR eliminates opportunity for 1000+ housing units. Housing is the humanitarian crisis of our time. And we are zoning 300,000 sq. ft. of space right on a tram-line for auto-body shops? This plan clearly demonstrates SF government's indifference to the misery on our streets, and the misery that this creates in the rest of us.

Mixing PDR and housing -the horse has left the barn. Planning has said that housing doesn't mix with PDR. Well, there is already housing surrounding and in the BIT, and the NCT zoning on third will put most industrial businesses within 100 feet of a six story residence. So if they don't mix, then shouldn't Third Street also be PDR? Or maybe the rest of the BIT should have a housing component, and just recognize that we are not talking about petroleum refining. All over the city people are living above PDR businesses, and if Planning is worried about residents' complaints, put up a sign, "Welcome to Butchertown Makers District. Yield to loading trucks".

Do we even need more PDR? After almost nine months, Planning can still not answer this basic question. This is a (paper) investment on \$150 million real estate parcel, and little analytical work has been performed. What has been done, is demonstrably wrong(average PDR wages: is it 60k, 78k, or 123k?). Shouldn't we have some sort of rigorous cost benefit analysis that compares outcomes? And if PDR is in such great demand, why are one in four lots in the BIT vacant? And is the justification that we need to zone the BIT to PDR "because we lost it in the Mission" a valid reason?

Without building expansion there will be no new jobs, and few "good jobs" at all. To create new jobs, you need additional space. Enshrining a \$1.75 rent will minimize the addition of floor space, and with no new floor space, no new jobs. And because the old buildings lack modern facilities(mentioned above), jobs will be limited to low tech, poorly paid, and generally unattractive employment.

Does Down (M-1 to PDR) Zoning 1% of SF industrial area contain industrial rents? The policy intent is that zoning for PDR will provide little incentive for new buildings, so rents will stay low. Really? SF has 24+ million sq.ft. of industrial space and the BIT has 200,000 sq.ft. In what market will discounting a product with 1% market share impact the overall market pricing?

Who Benefits from PDR zoning in the BIT?

It's pretty clear that lot's of people are hurt by this policy, but surely there is someone who benefits?
Three groups come to mind:

- A handful of tenants(most property in the BIT is owner occupied) employing a handful of employees may benefit a little on rent(\$1.75 vs. \$2+ psf).
- Scofflaws who can cleverly disguise activities from Planning enforcement.
- The Planning Department. Zoning to PDR is quicker and easier than the alternative.

Of all of the great things that could be done with this key part of the Bayview, we have settled on a lazy policy that is anti-density, anti-industrial business expansion, anti-job creation, anti-Bayview, and the most despicable of all, anti-housing.

Should you want to discuss this in greater detail, I and a group of my neighbors would love to have an opportunity to sit down with you.

Sincerely Yours



John Moffly
Co-Founder

March 18, 2020

To: Land Use Sub-Committee, San Francisco Board of Supervisors

RE: Bayview Industrial Triangle (BIT) Planned Re-Zoning to PDR-G is a Sham(e)

Dear Land Use Committee Supervisors,

With a pandemic-triggered recession imminent, I believe it is incumbent upon San Francisco government to take advantage of every opportunity to encourage new economic activity and housing for citizens. Zoning changes for the Bayview Industrial Triangle (BIT) provide a singular opportunity to create economic activity and increase housing supply without cost to the government.

I have argued in previous letters(attached) to the Planning Department and Supervisor Walton that zoning the BIT to PDR-G is a failure of imagination that helps no one. It is anti-housing, anti-job creation, anti-density, and anti-economic development in an area that sorely needs it. It is a waste of a blighted but high potential location right on the Third St rail. And, ironically, it is anti-PDR because it fails to increase the quantity and quality of industrial space, which directly impacts my company's ability to expand and remain in San Francisco.

Chart 1 - Comparison of PDR-G and Generic Mixed Use Impact			
<u>Impact</u>	<u>Mixed Use</u>	<u>PDR-G</u>	<u>Comments</u>
Total Industrial Space Added (sq.ft.)	115,000	0	
Develop empty Lots	45,000	0	Develop empty lots w/ industrial on ground floor. New buildings use full lot on ground.
Build out full ground floor	30,000	0	Build out full lot (yard space)
2nd floor supporting offices.	40,000	0	Frees up more valuable ground floor production space by moving management offices upstairs, @ 1000 sq. ft. per lot.
New Housing (units)	330	0	Assume 4 units /2500 sq.ft lot size.
Modernize Manufacturing Space	275,000	0	New facilities with HVAC / Electric / Floor Drains to handle modern manufacturing for high tech / foods.
Total New Jobs	905	0	Permanent jobs in and outside of BIT.
New jobs - direct	115	0	Assumes 1 job / 1000 sq. ft. of new industrial space.
New jobs - indirect	460	0	Assume 4.0 indirect and induced jobs per each direct job (1)
New jobs -construction	330	0	Assumes 5.5 jobs / \$ 1 mil of investment. (1)
Construction Investment	\$ 60,000,000	0	Triple Square Footage @ \$300 psf.
Increase Tax Base	\$ 750,000	0	Annual increase in tax base based upon 1.125% of \$60 mil.
Added Density (head)	775	0	Assumes 2.0 head / unit res, and 1.0 / 1000 sq.ft. industrial.

[1] Josh Bevins, Updated employment multipliers for the U.S. economy, EPI, 2003.

Enlightened mixed-use – Have your cake and eat it too.

What the property and business owners have suggested is zoning that maintains industrial activity on the ground floor, while allowing other higher yielding activities (housing) on the upper floors. Effectively, the lower rents of industrial activity on the ground floor (such as my business) might be subsidized by the

higher rents on the upper floors. By defraying the high cost of construction, the scheme will incent development. A creative mixed-use scheme has the opportunity to solve many problems at once, without cost to the city. And of course it allows LatticeStix to expand in the city I love.

Finally, I want to provide some insight into the zoning process that as a citizen and taxpayer, I find disappointing.

San Francisco Government Competence and Attitude.

I am disappointed in our government. To disagree is one thing, but to get this far and realize there is still no clear cost-benefit analysis just seems incompetent. Of the dozens and dozens of people I've talked to, no one can understand this policy. After 9 months the PDR-G decision is just as unpopular and unsupportable as it was in June 2019. Contributing to the poor policy is what I consider to be unprofessionalism and arrogance on the part of the government:

- Planning is unable to perform very basic economic analysis necessary for zoning changes. Outreach sessions were spin sessions with bad data, misleading graphics and messaging, a dismissive attitude towards property owners ("you've made your money"), and a clear desire to tamp down dissent. Presentations depended heavily upon data and messaging from special interests (SFMade, of which I am a proud member) that was presented as objective.
- The Planning Commission is essentially a rubber stamp politburo, unwilling to execute oversight. Commissioner comments were frankly pathetic ("Housing and PDR can't co-exist". Look around, large portions of the city have a PDR business on the ground floor, with housing above. Any complaints? The better question is, given the housing crisis, why isn't BIT 100% housing?). There was greater concern expressed for new planning staff than there was for citizen time and effort to improve our neighborhoods. To me this is an indication of a cozy relationship that undermines accountability and good policy.
- Supervisor Walton has decided to demean and ignore business and property owners rather than engage us. His most recent newsletter branded BIT business and property owners as "outsiders" who shouldn't dictate policy. As someone who spends 60 hours a week in the BIT, I find his characterization offensive. He has refused to meet with us despite numerous requests. He has NEVER been to a CAC or Planning meeting on BIT (in nine months he has spent more time in cigar bars than he has discussing BIT constituent zoning concerns). And he manipulated CAC out of the process wasting all of our time. This is anti-democratic behavior.

It's not too late

I feel it is not too late to provide integrity to a shoddy process. I think Planning should be required to economically justify the PDR-G plan, and if they can't, amendments should be considered that expand usages that provide benefits to the BIT, Bayview, and the entire city.

Thank you for your attention.



John Moffly
LatticeStix, Inc.

200086

From: wumoffly@aol.com
Sent: Wednesday, March 18, 2020 2:28 PM
To: Major, Erica (BOS)
Cc: Board of Supervisors, (BOS)
Subject: Letter regarding Bayview Industrial Triangle (BIT) re-zoning
Attachments: BIT Re-zoning LWu letter LUT Comm BOS 0318 2020.pdf

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

To: Erica Major, Committee Clerk, Land Use and Transportation Committee
To: Secretary, Board of Supervisors

Re: Bayview Industrial Triangle (BIT) Re-zoning, reference file #200086

I am a small business owner/operator and property owner within the Bayview Industrial Triangle, and I would respectfully like to submit the attached letter for the record, and for the consideration of the members of the Land Use and Transportation Committee, and the Board of Supervisors regarding the re-zoning of the Bayview Industrial Triangle. I understood that this matter was scheduled to be presented before the LUT Committee on Monday March 23 (though maybe now delayed due to shelter at home?).

Thanks for your consideration.

Sincerely,
Lily Wu
1615 Jerrold Ave.
415-793-1749

Lily Wu, BIT Property/Business Owner
1615 Jerrold Ave.
San Francisco, CA 94124
March 18, 2020

Land Use and Transportation Commission

Board of Supervisors

Re: A New Approach for BIT Zoning

On February 20, I and over 90% of the property and business owners of the Bayview Industrial Triangle ("BIT") were very disappointed when the Planning Commission voted unanimously to support the Planning Department and Supervisor Shamann Walton's proposal to permanently restrict BIT properties zoning to PDR, forbidding any residential, consumer retail or commercial usages.

We are appealing to the Land Use and Transportation Commission and the Board of Supervisors to reconsider the Planning Department proposal, and to consider our compromise proposal which would both achieve (and exceed) Planning Dept.'s stated objective to preserve PDR, and our goal to reverse the BIT blight. We also implore you to consider the democratic due process, and representation of constituents' will, which Supervisor Walton perplexingly and mockingly dismisses as self-serving in his newsletter and BIT statements. Most of us BIT business and property owners have decades-long history and livelihoods here, and multi-generational businesses handed down in some cases.

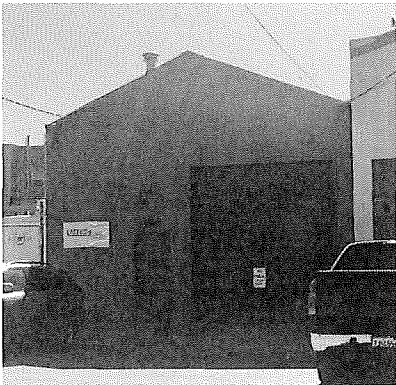
The background of the BIT re-zoning issue will not be re-stated here, and my former letter to the Planning Commission is appended to provide such details. The following are responses to the Planning Department and Supervisor Walton's claims, along with some illustrations:

1) Planning Department wants to preserve the PDR square footage within the BIT.

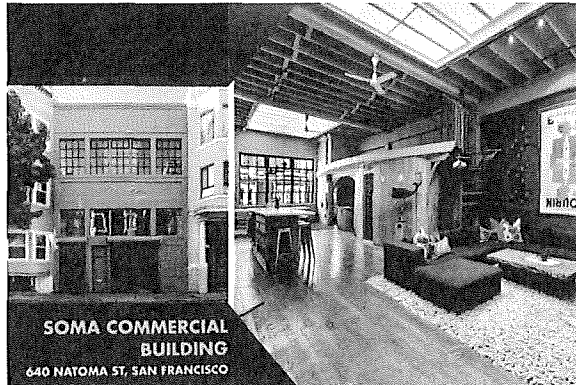
Actually, so do we. We are both property and PDR business owners in the BIT. My 17-year-old business is light manufacturing, which I would absolutely like to preserve in the BIT. However, the current landscape in the BIT now is low density single or double story PDR, in poor condition (our factory was built in 1950). We are asking to be allowed to build varied uses on top of our ground floor PDR, to increase density, occupancy and uses in the BIT. The varied uses would help pay for much-needed renovation and upgrade, and make it worthwhile for the owners of the many unused/unbuilt BIT parcels to build.

In my personal experience, we submitted an application to build an office for our business (level 2), and a single story apartment (level 3) on top of our PDR ground floor factory. That was rejected because BIT is strictly PDR, forbidding any commercial or residential use.

We and other BIT owners have proposed that mixed use zoning prevail in the BIT, but that each individual development must have PDR on the ground floor. Allowing mixed use on upper floors, but requiring PDR ground floors would actually increase the overall quantity and quality of PDR in the BIT. And the upper floors or mixed use will allow us to afford to upgrade our PDR, and to keep our businesses in the city despite the rising costs and tight labor market.



Unimproved single story plant in BIT

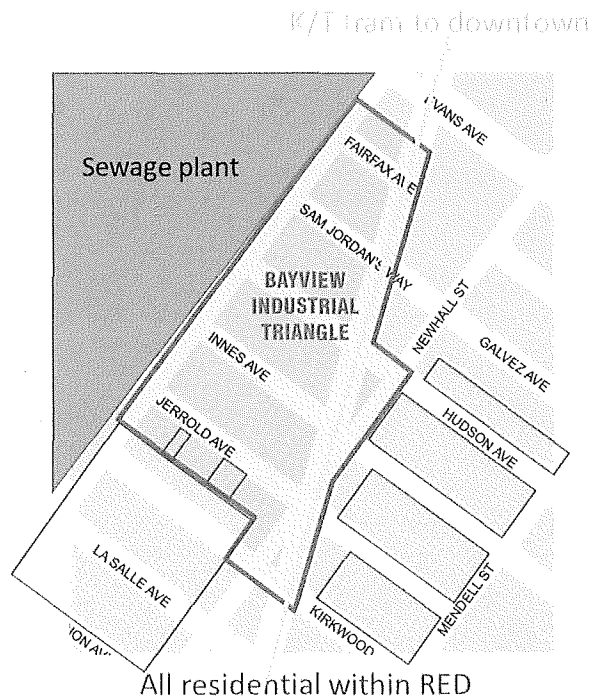


Renovated ground floor plant in SOMA with upstairs Apartment

- 2) Planning Commission members noted that the city's sewage treatment plant borders the BIT, and people would not want to live near it.

People already live near it!! Please see the map below which shows residences in and around the BIT. Please also note that the T-tram runs the length of the BIT, and is a major transit corridor to downtown, BART and Caltrain. That makes the BIT an ideal residential area!

While living within a block of a sewage plant is not ideal, we find that residences are often situated in non-ideal locations, such as near highways, rail tracks, over restaurants, clubs and bars, in high traffic and commercial streets, next to and on top of production facilities, etc. The market will adjust pricing of such residences accordingly. In a city with as great a shortage of residences as San Francisco, why use administrative tactics to forbid residential usage in an area which is surrounded by residences and along a major transit corridor?



- 3) Some Planning Commissioners also questioned whether an apartment over a PDR ground floor or next to PDR is desirable to live in.

Having lived in many urban centers like New York City and Hong Kong, I am used to seeing residences upstairs from PDR uses (mostly light industrial). Some developments are even very stylish, being high ceiling loft apartments over ground floor light production, repair or distribution businesses. In fact, such units exist in SOMA, Oakland, and other parts of the Bay Area.

Similar to the prior point, in a city with as great a housing shortage as San Francisco, why pre-decide where people may or may not want to live? Why forbid residences along a major transit corridor? The market pricing will naturally adjust to account for relatively more or less desirable living locations.

- 4) Most perplexing of all, our own BIT elected representative Supervisor Walton is leading the charge to forbid residential, consumer retail and commercial usage and investment in the BIT even with the guarantee of ground floor PDR preservation. He stated to the Planning Commission on Feb 20, and is quoted in the SF Chronicle article on the BIT Re-zoning on Feb 26, that the BIT is “already a great place, and will continue to be a great place”. And he mocked and dismissed us BIT business and property owners as being “self-serving”, looking to profit from a different zoning, and deserving of rejection.

Actually, the 6 square blocks of BIT is one of the few clearly blighted areas of San Francisco, with 25% of the parcels vacant or abandoned, dilapidated and dated factory structures, deserted in the evenings and weekends, litter strewn, with homeless encampments and abandoned non-functioning cars. We are completely perplexed by Supervisor Walton’s statement that the BIT is “great”. No Supervisor would stand for such a 6 block square condition within their districts. WHY would a Supervisor push for a zoning which forbids housing, and zoning which would attract investment dollars to improve and invigorate a blighted neglected neighborhood? Supervisor Walton claims concern for PDR availability, yet our proposal guarantees no PDR area is lost... Are there other unspoken reasons for resistance to compromise?

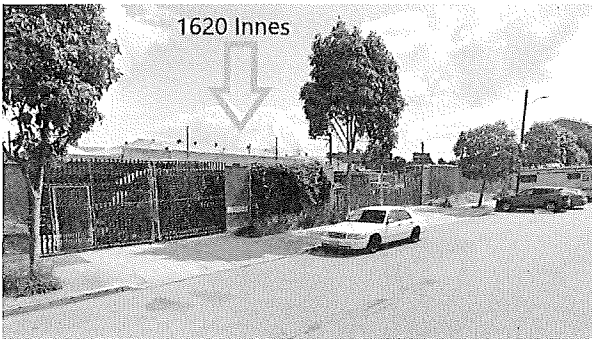
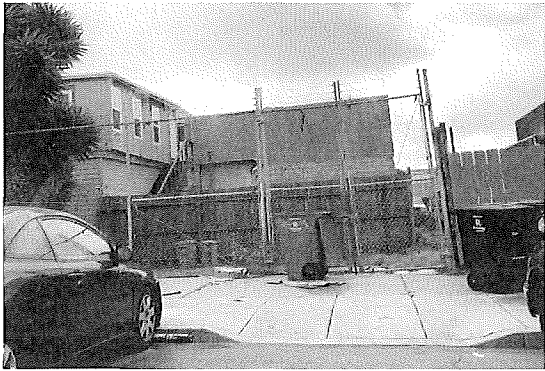
As for my self-serving motives: My husband and I, like most all of our BIT neighbors have been running our businesses in District 10 for decades, long before Supervisor Walton came on the scene, and probably will long after he leaves Supervisor office. Operating a small business in San Francisco with rising costs, labor shortage, and bureaucratic red tape is really hard – as you know, small businesses are closing every day and leaving the city. Allowing us to better utilize our property is the key to our staying in the city. Supervisor Walton is elected to advocate for and secure resources for the improvement of this District. We have watched many Supervisors come and go through District 10, and Supervisor Walton will be another such one. What right does he have to dismiss me and my neighbors as self-serving? Or to delusionally call our blighted neighborhood “great”. Supervisor Walton was so determined to forbid compromise for the BIT that he engineered CAC meetings without public notice and refused to meet with business owners like ourselves. Even if you decide to vote along with his recommendation (as we have been told is a foregone conclusion), please help us at least understand WHY he is so set against investment or re-vitalization in the BIT.

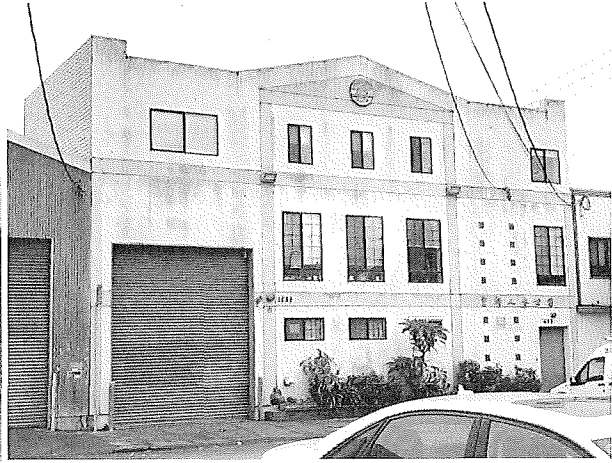
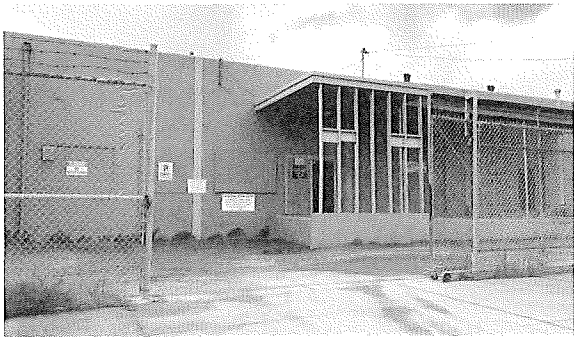
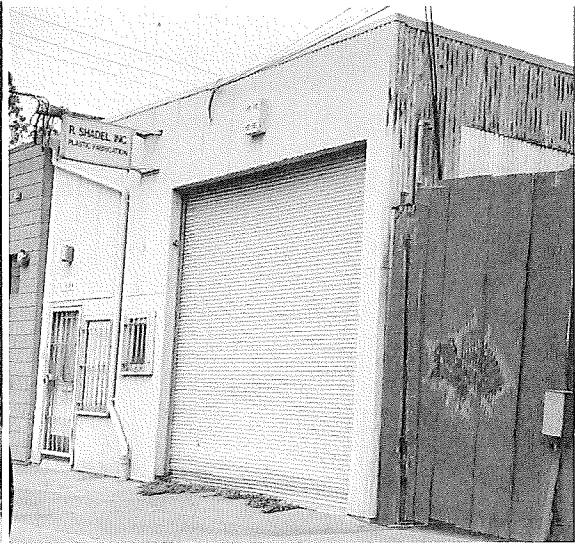
There are 39 parcels in the BIT, 35 of us owners signed a petition respectfully asking the city and our Supervisor to consider our compromise to preserve PDR, while adding density and mixed use in upper floors. Most of us closed our shops for half a day and went before the Planning Commission to plead our case on Feb 20. But the Commissioners unanimously rejected us. As Supervisors yourselves, please look at the following pictures of the BIT – would you welcome investment and revitalization if such a neighborhood was in your District? Or would you forbid it?

Sincerely,

Lily Wu

A handwritten signature in black ink, appearing to read 'Lily Wu', written over a horizontal line.





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 CANCELLED MEETING

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that, due to the current Local Health Emergency around the Novel Coronavirus Disease 2019 (COVID-19), the meeting of the Land Use and Transportation Committee scheduled for **Monday, March 23, 2020, at 1:30 p.m.**, at City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, California, has been **CANCELLED**.

Matters listed on the agenda that were previously noticed shall be agendized for the next appropriate meeting:

- **File No. 200086** Planning Code, Zoning Map - Bayview Industrial Triangle
Redevelopment Area Rezoning (noticed pursuant to California Government Code Sections 65856 & 65090)
- **File No. 200087** Planning Code, Zoning Map - Bayview Industrial Triangle
Cannabis Restricted Use District (noticed pursuant to California Government Code Sections 65856 & 65090)
- **File No. 191302** Street Name Change - Steuart Street to Steuart Lane (noticed pursuant to California Streets and Highways Code Section 970.5)

Angela Calvillo, Clerk of the Board

POSTED: March 19, 2020

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 proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, March 23, 2020

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. 200086.** Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

File No. 200087. Ordinance amending the Planning Code and Zoning Map to create the Bayview Industrial Triangle Cannabis Restricted Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters 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 these matters, 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 these matters can be found in the Legislative Research Center at sfgov.legistar.com/legislation. Meeting agenda information relating to these matters will be available for public review on Friday, March 20, 2020.



Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: March 13, 2020

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400
San Francisco, California 94104
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

April 13, 2020

VIA EMAIL AND MESSENGER

Aaron Peskin, Chair
Land Use and Transportation Committee
San Francisco Board of Supervisors
c/o Erica Major, Clerk
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco, CA 94102

Re: Bayview Industrial Triangle Zoning Update
Planning Case No. 2020-000084PCA/MAP
File No. 200086

Dear Honorable Members of the Land Use and Transportation Committee:

Our office represents Bobby Fallon, the owner of 3830 Third Street, San Francisco (block/lot 5235/003). Mr. Fallon, along with numerous owners of property within the project area, strenuously objects to the proposed rezoning of the Bayview Industrial Triangle (“BIT”). The project includes imposing Production, Distribution and Repair (“PDR”) on many parcels in the district, including Mr. Fallon’s Property, which will lose its ability to build direly needed housing as a result. Mr. Fallon opposes the above-captioned project, inter alia, on the grounds that the Planning Department’s certification of a categorical exemption for the project violates the California Environmental Quality Act (“CEQA”) and the Housing Crisis Act of 2019 (“SB 330,” Gov. Code §66300). Our client was given no notice of today’s hearing, despite his property rights being particularly and significantly affected by it.

As an initial matter, the Planning Department’s Executive Summary states that only one parcel, Mr. Fallon’s, would lose housing capacity as a result of the rezoning, costing the City 64 potential residential units. Under the BIT plan, this parcel is designated as “light industrial commercial,” which allows housing above the ground floor. The underlying zoning for this lot allows housing as a conditional use. The project would rezone Mr. Fallon’s property to PDR-1G, which does not allow housing.

The proposed amendment lists a total of 46 M-1/M-2 parcels that would undergo the same zoning change, but fails to address the resultant loss of housing. The Staff Report incorrectly uses the BIT plan as the baseline to assess the loss of potential housing under this proposal, rather than the underlying M-1 or M-2 zoning district, to which the lots will revert when the BIT plan expires in June 2020. The correct baseline is the underlying zoning district for these lots, which allows residential development as a conditional use (notwithstanding that the BIT plan currently does not permit residential development on these lots). Changing the underlying zoning of these lots to PDR-1G represents the loss of some 1,233 potential residential units, according to planning consultant Kate McGee of KM Planning Strategy, whose letter is included in the Executive Summary.

On February 12, 2020, the Planning Department issued an erroneous Categorical Exemption for the project. This determination waves away CEQA with a project description that characterizes the rezoning as “largely procedural and housekeeping measures.” The central purpose of CEQA is to ensure that all potential environmental impacts of a project are disclosed and analyzed. For this to occur, a correct and complete description of a project, including the baseline conditions, is of utmost importance. An “accurate, stable and finite project description is the sine qua non of an informative and legally sufficient” CEQA document. (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 199.) By contrast, an “unstable project description draws a red herring across the path of public input.” (Id. at pp. 197–198.) If the full extent of a project is not disclosed, or if there is no stable project description, it is impossible for the public to assess its impacts. Here, the Project description is substantially inaccurate.

Moreover, a project is only exempt from CEQA review if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” This project seeks to shift more than 1,200 units of residential capacity out of the Bayview Industrial Triangle, and intensify industrial uses in this area. This is especially significant in light of the recent Muni T-Line that was placed just feet from the affected parcels. Barring the City’s sudden desire to impose zoning that mandates industrial use and industrial use only, it is all but certain that housing developments would be built in this area. A change of this magnitude unquestionably requires CEQA review, as it will shift development patterns and the locations of resulting significant impacts, *inter alia*, traffic, blight, public service needs, and businesses catering to residential vs. industrial uses.

These environmental impact concerns are especially pressing in light of the fact that the City is purporting to shift the residential development capacity in the BIT to the proposed Potrero Power Station Special Use District. That shift of 1,233 potential housing units undeniably creates an environmental impact on *both* the BIT and the Dog Patch, where the Potrero Power Station proposal currently sits. The City is not permitted, under CEQA, to whisk more than a thousand units of housing capacity from one area of the city to another under a categorical exemption, without any study, and without considering the cumulative impacts of these projects together. This maneuver forcibly shifts the deleterious impact of the industrial uses mandated by PRG zoning from the Potrero Power Station area to the BIT, giving the Potrero Power Station a greater environmental impact than that which has been previously considered. This too runs afoul of CEQA. This proposed intensification of industrial use in the BIT, which is an area identified by SB 535 as a “disadvantaged community” that already bears disproportionate environmental impacts, raises significant environmental justice issues that must be analyzed under CEQA.

In addition to violating the letter and spirit of CEQA, this project has also purported to comply with the Housing Crisis Act without actually meeting its stringent requirements. SB 330 states that no parcel may be downzoned such that residential housing can no longer be built on the land. While there is a carve-out in the law for a “concurrent” rezoning that results in no net loss of housing capacity, this does not apply here. The Executive Summary claims that the project is in compliance with the SB 330 because the project is concurrent with the Potrero Power Station

San Francisco Planning Commission
April 13, 2020
Page 3

upzoning. However, these projects have not been analyzed “concurrently” or as part of the same rezoning action. SB 330 does not allow an agency to “bank” upzoning credits to downzone other parts of the city.

This is more than a pedantic distinction or procedural technicality. The state legislature directed that SB 330 “be broadly construed so as to maximize the development of housing within this state.” (Gov. Code §66300(f)(2).) A broad interpretation means that any upzoning must be part of the same downzoning action. SB 330 does not allow a city to create a pot of upzoning credits to be doled out among other properties to be downzoned. While the Potrero Power Station upzoning laudably creates some 2,600 potential housing units for the City, this does not allow the City to now use those units as credits to keep its housing capacity unchanged. Such a reading of an ancillary clause would impermissibly use a technicality to subvert the overarching intent of the law: to rapidly increase housing stock to ameliorate California’s housing crisis.

Mr. Fallon is prepared to file suit to invalidate the rezoning of his property.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



Ryan J. Patterson

BOARD of SUPERVISORS



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

February 5, 2020

File No. 200086

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

Dear Ms. Gibson:

On January 28, 2020, Supervisor Walton submitted the following substitute legislation:

File No. 200086

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

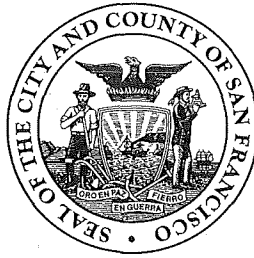
A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

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

February 5, 2020

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

Dear Commissioners:

On January 28, 2020, Supervisor Walton introduced the following legislation:

File No. 200086

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

Angela Calvillo, Clerk of the Board

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

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

c: John Rahaim, Director
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
Andrea Ruiz-Esquide, Deputy City Attorney
Joy Navarrete, Major Environmental Analysis
Georgia Powell, Planning Misc. Permits Routing

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

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

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

DATE: April 14, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, April 14, 2020

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, April 14, 2020. This item was acted upon at the Committee Meeting on Monday, April 11, 2020, at 1:30 p.m., by the votes indicated.

Item No. 27 File No. 200086

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area ("Project Area") from M-1 (Light Industrial), M-2 (Heavy Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Dean Preston - Aye

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Dean Preston - Aye

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Dean Preston - Aye

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

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 JAN 28 PM 4:13
Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

Supervisor Walton

Subject:

Planning Code, Zoning Map - Bayview Industrial Triangle Redevelopment Area Rezoning

The text is listed:

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area ("Project Area") from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor: [Signature]

For Clerk's Use Only