

File No. 100881

Committee Item No. 1

Board Item No. 36

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 4, 2010

Board of Supervisors Meeting Date October 19, 2010

#### Cmte Board

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

#### OTHER

(Use back side if additional space is needed)

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Environmental Review Determination, dtd 7/22/2010</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 18174</u>          |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
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Completed by: Alisa Somera Date October 1, 2010

Completed by: Alisa Somera Date October 7, 2010

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

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1 [Zoning Map Amendment – 1717-17<sup>th</sup> Street to Conform with Lot Line Adjustment]

2  
3 Ordinance amending the San Francisco Zoning Map by amending the lot reference  
4 applicable to 1717-17<sup>th</sup> Street, and an adjacent property, referred to as 495 DeHaro  
5 Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X,  
6 respectively, in conformance with a lot line adjustment between the subject properties;  
7 and making various findings, including environmental findings and findings of  
8 consistency with the General Plan and priority policies of Planning Code Section 101.1.

9 Note: Additions are single-underline italics Times New Roman;  
10 deletions are strikethrough italics Times New Roman.  
11 Board amendment additions are double underlined.  
12 Board amendment deletions are strikethrough normal.

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

14 Section 1. Findings. The Board of Supervisors of the City and County of San  
15 Francisco hereby finds and determines that:

16 (a) Under Planning Code Section 302, the Board of Supervisors finds that this  
17 Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
18 Planning Commission Resolution No. 18174 recommending the approval of this  
19 Planning Code Amendment and incorporates such reasons by this reference thereto. A copy  
20 of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 100881  
21 and is incorporated here by reference.

22 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this  
23 Ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the  
24 Planning Code and with the General Plan as proposed to be amended in companion  
25 legislation and hereby adopts the findings of the Planning Commission, as set forth in  
Planning Commission Resolution No. 18174. A copy of said Resolution is on file with

1 the Clerk of the Board of Supervisors in File No. 100881 and is incorporated herein by  
2 reference.

3 (c) The Planning Department also determined that the actions contemplated in this  
4 Ordinance are in compliance with the California Environmental Quality Act (California Public  
5 Resources Code sections 21000 et seq.). A copy of said determination is on file with the Clerk  
6 of the Board of Supervisors in File No. 100881 and is incorporated by reference herein.

7 (d) The purpose of this legislation is to ensure that the height districts applicable to two  
8 properties commonly known as 1717 17<sup>th</sup> Street (Assessor Block 3980, Lot 08) and 495  
9 DeHaro Street or portion thereof (Assessor Block 3980, Lot 09) conform with the underlying  
10 lot pattern that resulted from a lot line adjustment between the subject properties.

11 Section 2. Under Sections 106 and 302(c) of the Planning Code, the Zoning Map of  
12 the City and County of San Francisco is amended as follows:

<u>Assessor Block/Lot</u>	<u>Applicable Height District</u>	<u>Sheet</u>
3980/0609	45-X	8
3980/0708	48-X	8

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

21 By:

22   
23 John D. Malamut  
24 Deputy City Attorney  
25

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

July 21, 2010

File No. 100881

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Mr. Wycko:

On June 29, 2010, Supervisor Maxwell introduced the following proposed legislation:

File No. 100881

Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17<sup>th</sup> Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

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

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

Attachment

c: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

*Environmental review  
completed in a mitigated  
Negative Declaration,  
adopted April 5, 2010,  
Case No. 2004.0946E.  
Nannie R. Turrell  
July 22, 2010*



# SAN FRANCISCO PLANNING DEPARTMENT

September 17, 2010

Ms. Angela Calvillo, Clerk  
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 2010.0620Z:  
1717 17<sup>th</sup> Street—Height District Reclassification  
Planning Commission Recommendation: *Approval***

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,

On September 16, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance would amend Height Map Sheet 08 of the Planning Code by reclassifying the entirety of Lot 008 of Block 3980 from 45/48-X to 48-X, and the entirety of Lot 009 of Block 3980 from 45/48-X to 45-X.

The proposed height change was determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15061(b)(3).

**At the September 16<sup>th</sup> hearing, the Commission adopted Resolution Number 18174 with a recommendation of approval to the Board of Supervisors regarding the proposed Ordinance.**

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

Sincerely,

AnMarie Rodgers  
Manager of Legislative Affairs

cc: Supervisor Maxwell

Attachments [one copy of each of the following]  
Planning Commission Resolution Number 18174  
Draft Ordinance  
Planning Commission Executive Summary

[www.sfplanning.org](http://www.sfplanning.org)



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18174 Zoning Map Amendment

HEARING DATE: SEPTEMBER 16, 2010

*Project Name:* 1717 17<sup>th</sup> Street  
*Case Number:* 2010.00620Z  
*Initiated by:* Supervisor Sophie Maxwell, Introduced June 29, 2010  
BOS File No. 10-0881  
*Staff Contact:* Corey Teague  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), 415-575-9081  
*Reviewed by:* Tara Sullivan, Legislative Affairs  
[tara.sullivan@sfgov.org](mailto:tara.sullivan@sfgov.org), 415-558-6257

*Recommendation:* Recommend Approval

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

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY AMENDING HEIGHT MAP SHEET HT08 OF THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO RECLASSIFY LOT 008 OF BLOCK 3980, FROM 45/48-X TO 48-X, AND TO RECLASSIFY LOT 009 OF BLOCK 3980, FROM 45/48-X TO 45-X.

WHEREAS, On June 29, 2010, Supervisor Sophie Maxwell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 100881, attached as EXHIBIT A, which would amend Sheet HT08 of the Zoning Map the City and County of San Francisco to reclassify Lot 008 of Block 3980 from 45/48-X to 48-X, and to reclassify Lot 009 of Block 3980 from 45/48-X to 45-X.

The project was determined to be categorically exempt from Environmental Review per Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act.

The Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Zoning Map amendment on September 16, 2010.

The Department did not receive any letters or phone calls in support or in opposition to the proposed Ordinance.

The proposal will promote the objectives and policies of the General Plan as outlined in Planning Commission Resolution 17662.

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 amendment will allow the construction of a project granted Conditional Use Authorization by the Planning Commission on July 15, 2010, that will include ground floor commercial use with a gracious ceiling height of 17 feet, as originally intended in the Eastern Neighborhoods rezoning.*

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 amendment will not impact any existing housing. However, it will allow the construction of a project granted Conditional Use Authorization by the Planning Commission on July 15, 2010.*

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

*The proposed amendment will not impact any existing housing. However, it will allow the construction of a project granted Conditional Use Authorization by the Planning Commission on July 15, 2010, that will include a mixture of on-site affordable housing units and in-lieu fees that represent 12 percent of the dwelling units in the project.*

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

*The proposed amendment will not impact MUNI or traffic and parking conditions.*

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 will allow the construction of a project granted Conditional Use Authorization by the Planning Commission on July 15, 2010, that will include ground floor commercial use with a gracious ceiling height of 17 feet, as originally intended in the Eastern Neighborhoods rezoning. The commercial use may include up to 7,500 square feet of PDR (Production, Distribution and Repair) space.*

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

*The proposed amendment would not change the fact that any project for this site be designed and constructed to conform to the structural and seismic safety requirements of the City Building Code.*

7. That the landmarks and historic buildings be preserved;

*The proposed amendment would not impact any existing landmark or historic buildings, as none exist on or adjacent to the site.*

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



*The proposed amendment would not impact any existing public parks or open spaces.*

Further, for the foregoing reasons and based on the facts presented, the Commission finds, pursuant to Section 302, that the public necessity, convenience, and general welfare require the adoption of this legislation.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board of Supervisors ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on September 16, 2010.

Linda Avery  
Commission Secretary

AYES: Commissioners Antonini, Miguel, Olague, and Sugaya.  
NAYS:  
ABSENT: Commissioner Moore  
ADOPTED: September 16, 2010  
Attachments: EXHIBIT A (Proposed Ordinance introduced by Sup. Maxwell)



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Zoning Map Amendment HEARING DATE: SEPTEMBER 16, 2010 CONSENT CALENDAR

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

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Planning  
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*Project Name:* 1717 17<sup>th</sup> Street  
*Case Number:* 2010.00620Z  
*Initiated by:* Supervisor Sophie Maxwell, Introduced June 29, 2010  
BOS File No. 10-0881  
*Staff Contact:* Corey Teague  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), 415-575-9081  
*Reviewed by:* Tara Sullivan, Legislative Affairs  
[tara.sullivan@sfgov.org](mailto:tara.sullivan@sfgov.org), 415-558-6257  
  
*Recommendation:* **Recommend Approval**

### PROJECT DESCRIPTION

The Planning Commission granted Conditional Use Authorization for Case No. 2004.0946C for 1717 17<sup>th</sup> Street on July 15, 2010. The approved project includes two adjacent four-story, 48-foot tall buildings with a total of 41 dwelling units, 7,000 square feet of ground floor PDR uses, 8,000 square feet of commercial/retail space, and 58 independently accessible below-grade parking spaces. However, the Conditional Use Authorization included the condition that stated:

“The authorization and right vested by virtue of this action shall not be effective until the effective date of Ordinance No. 100881 to correct the height district of the Project site. This authorization shall be deemed void and canceled if, within 4 years of the date of this Motion, or within 3 years of the effective date of Ordinance No. 100881 to correct the height district of the Project site, whichever occurs first, a site permit or building permit for the Project has not been secured by Project Sponsor.”

Ordinance No. 100881—introduced by Supervisor Sophie Maxwell on June 29, 2010—was deemed necessary to correct an oversight in the Eastern Neighborhoods rezoning process that left Lots 008 and 009 split by two different height districts of 45 and 48 feet. The intent was for the Project site—Lot 008—to be rezoned to UMU and 48-X, just as other surrounding properties fronting on 17<sup>th</sup> Street. Lot 009 was intended to be rezoned to PDR-1-G and a height of 45-X.

### SITE DESCRIPTION AND PRESENT USE

The project site includes three commercial buildings and a paved parking lot. A one-story 13-ft tall wood frame building and an adjacent two-story, 24-foot tall wood frame building both front on 17<sup>th</sup> Street. A surface parking lot with 20 parking spaces occupies the northeast corner of the project site. The

remainder of the lot is occupied by a two story, 24-foot tall metal building. The portion of the lot to the west that was previously used for loading by Anchor Steam is covered with vegetation and asphalt.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site lies at the northern foot of Potrero Hill. It borders the Potrero Hill neighborhood to the south, which is primarily residential, with some exceptions like the Live Oak School at Mariposa and Arkansas Streets. Showplace Square lies to the north, and generally includes industrial buildings with larger footprints. The project site also borders Jackson Playground to the east across Carolina Street, and is just north of the Anchor Steam Brewing Company. Most of the buildings to the west along 17<sup>th</sup> Street in the area range from two to five stories, including 444 De Haro Street and the Whole Foods building at 17<sup>th</sup> Street and Rhode Island Street. Buildings to the east along 17<sup>th</sup> Street tend to be smaller in scale.

### ENVIRONMENTAL REVIEW

The project was determined to be categorically exempt from Environmental Review per Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act.

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 27, 2010	August 27, 2010	20 days
Posted Notice	10 days	September 6, 2010	September 3, 2010	13 days
Mailed Notice	10 days	September 6, 2010	September 3, 2010	13 days

### PUBLIC COMMENT

- The Department received no public comment and is not aware of any opposition to this project.

### ISSUES AND OTHER CONSIDERATIONS

- The Eastern Neighborhoods rezoning process intentionally matched certain height districts with certain zoning districts based on a new imposed minimum ground floor ceiling height requirement. For example, the UMU district requires a minimum ground floor ceiling height of 17 feet for non-residential uses. Therefore, properties rezoned to UMU were also given height districts ending in "8" to provide for the extra ground floor height (i.e. 48, 58, 68, etc.). Similarly, PDR districts' minimum ground floor ceiling height of 15 feet was matched with height districts ending in "5." Therefore, it is not logical to have split height districts for properties within a single zoning district.
- The Planning Commission granted Conditional Use Authorization for Case No. 2004.0946C for two 48-foot tall buildings with the knowledge that the authorization would not be effective until the height districts for Lots 008 and 009 were corrected.

### REQUIRED COMMISSION ACTION

The Commission may recommend that the Board of Supervisors approve, approve in part, or disapprove the proposed map change per Planning Code Section 302.

**BASIS FOR RECOMMENDATION**

- The existing split height situation on Lots 008 and 009 was an oversight during the Eastern Neighborhood rezoning process that should be corrected.
- The proposed height district reclassification is consistent with the Showplace Square/Potrero Hill Area Plan and the General Plan.

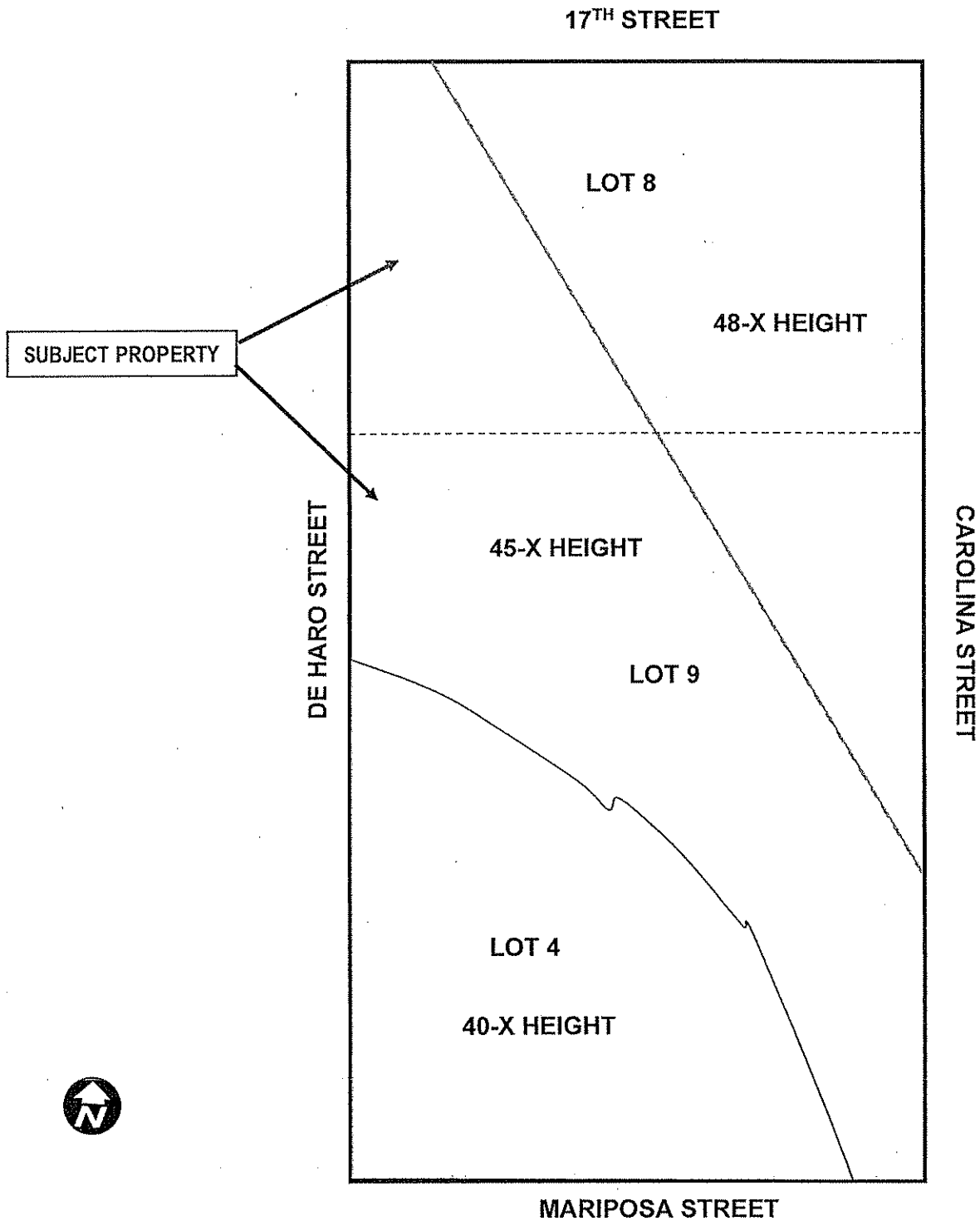
<b>RECOMMENDATION:</b> Recommendation of Approval
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**Attachments:**

Draft Resolution  
Draft Ordinance  
Parcel/Height Map  
Sanborn Map  
Aerial Photographs  
Zoning Map

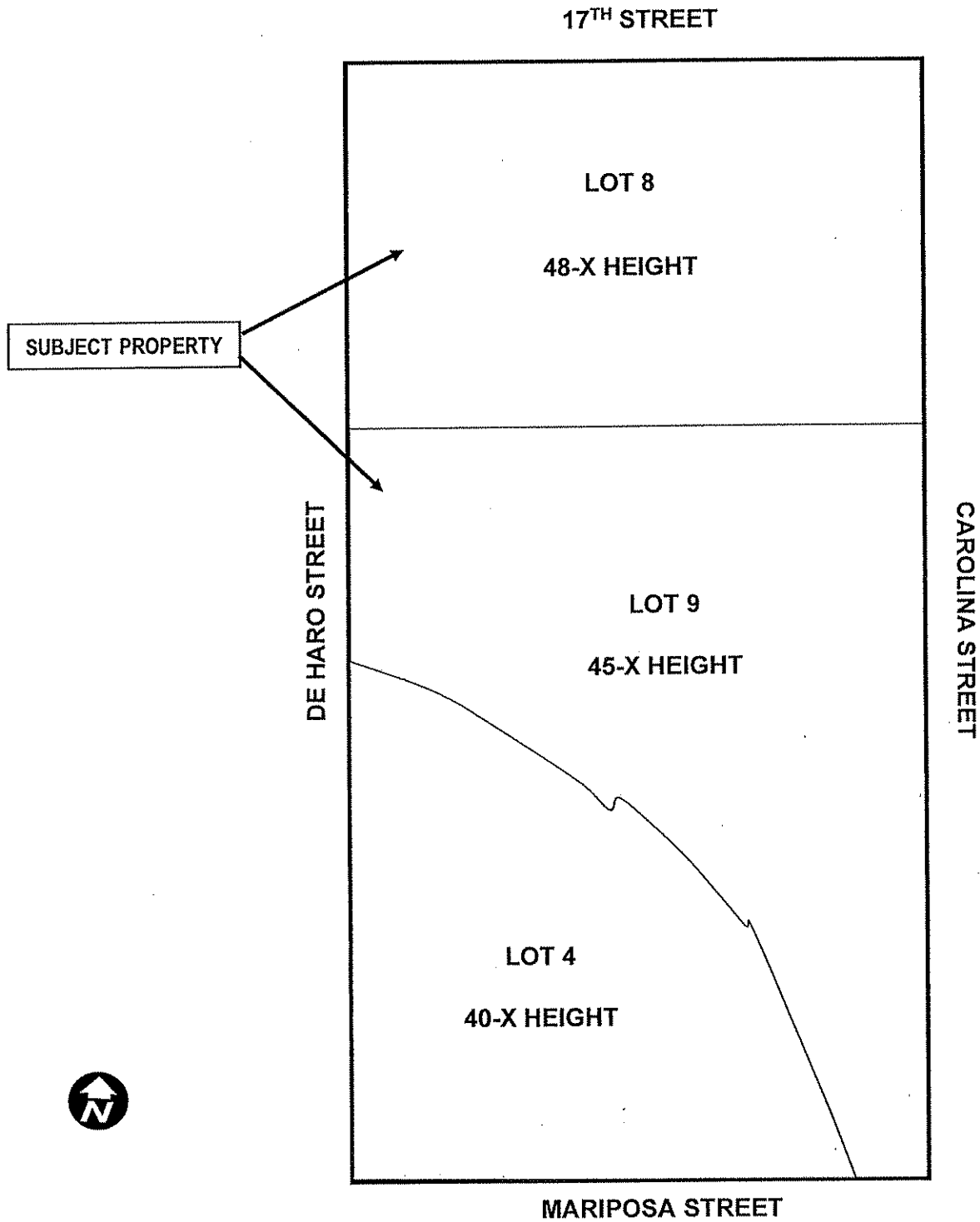
*I:\Cases\2010\2010.0620\2010.0620Z\2010.0620Z.doc*

# Current Parcel Map



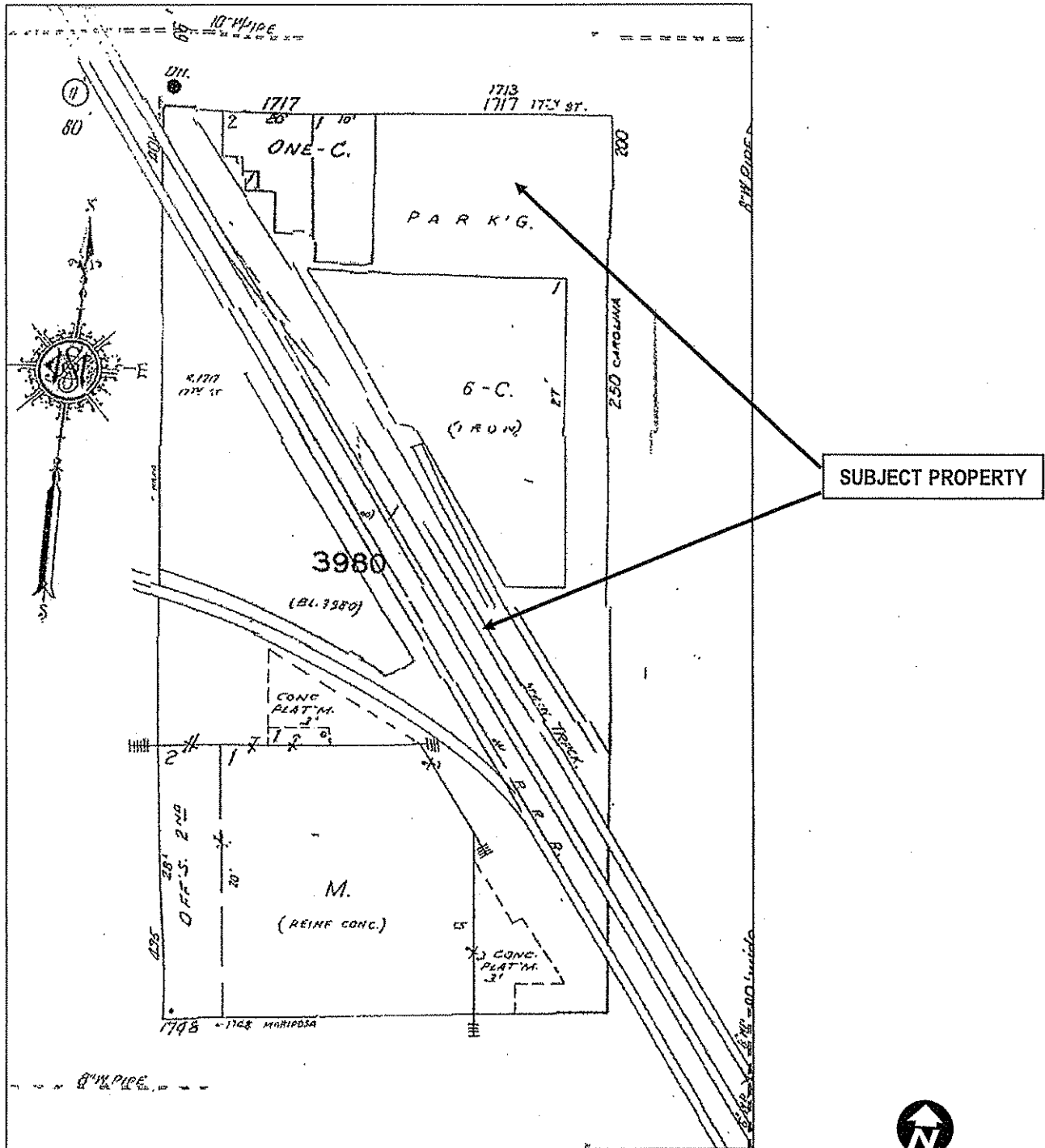
Zoning Map Reclassification  
Case Number 2010.0620Z  
1717 17<sup>th</sup> Street

# Proposed Height Map



Zoning Map Reclassification  
Case Number 2010.0620Z  
1717 17<sup>th</sup> Street

# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Zoning Map Reclassification  
 Case Number 2010.0620Z  
 1717 17<sup>th</sup> Street





# Aerial Photo

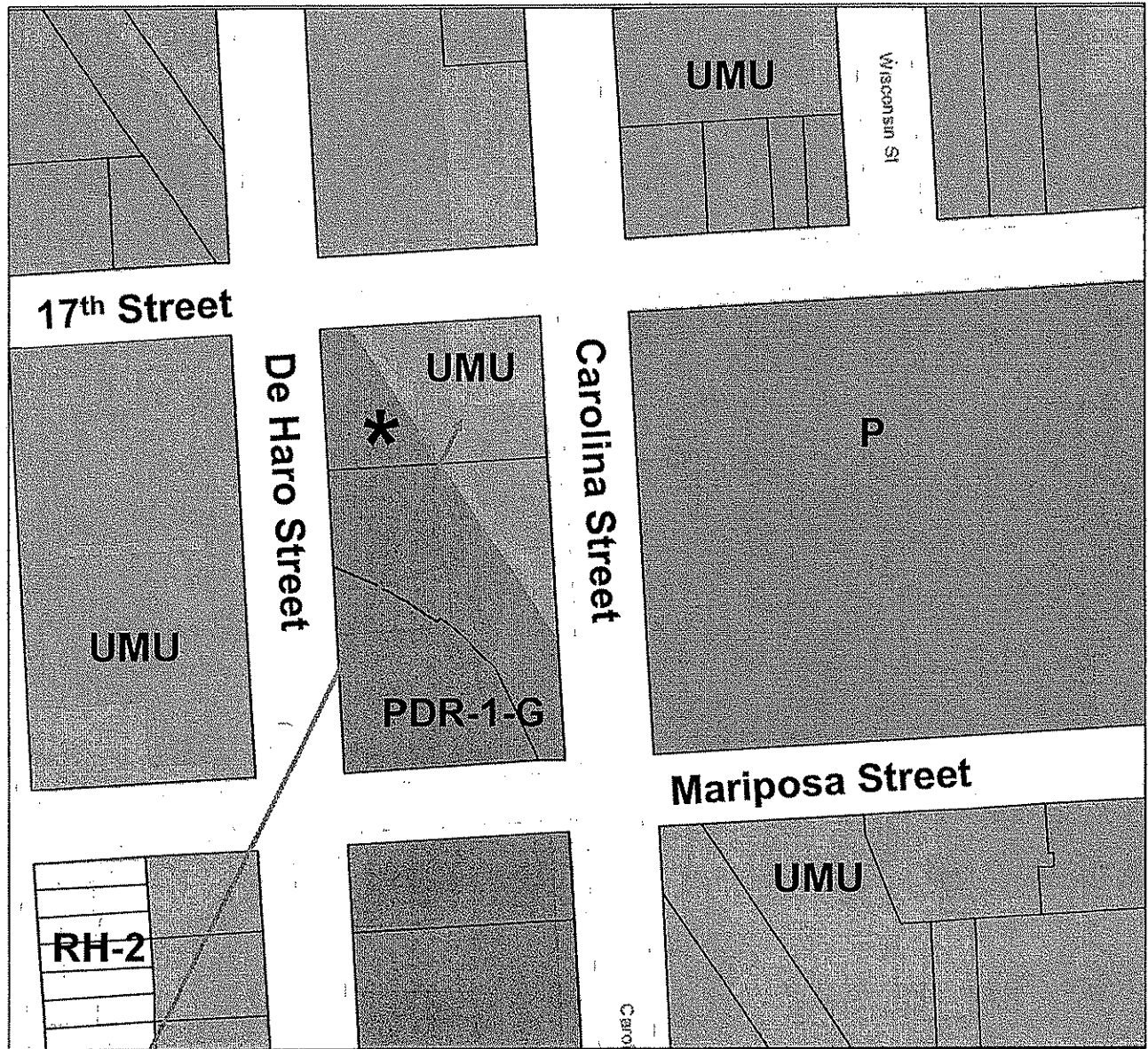


SUBJECT PROPERTY



Zoning Map Reclassification  
Case Number 2010.0620Z  
1717 17<sup>th</sup> Street

# Zoning Map



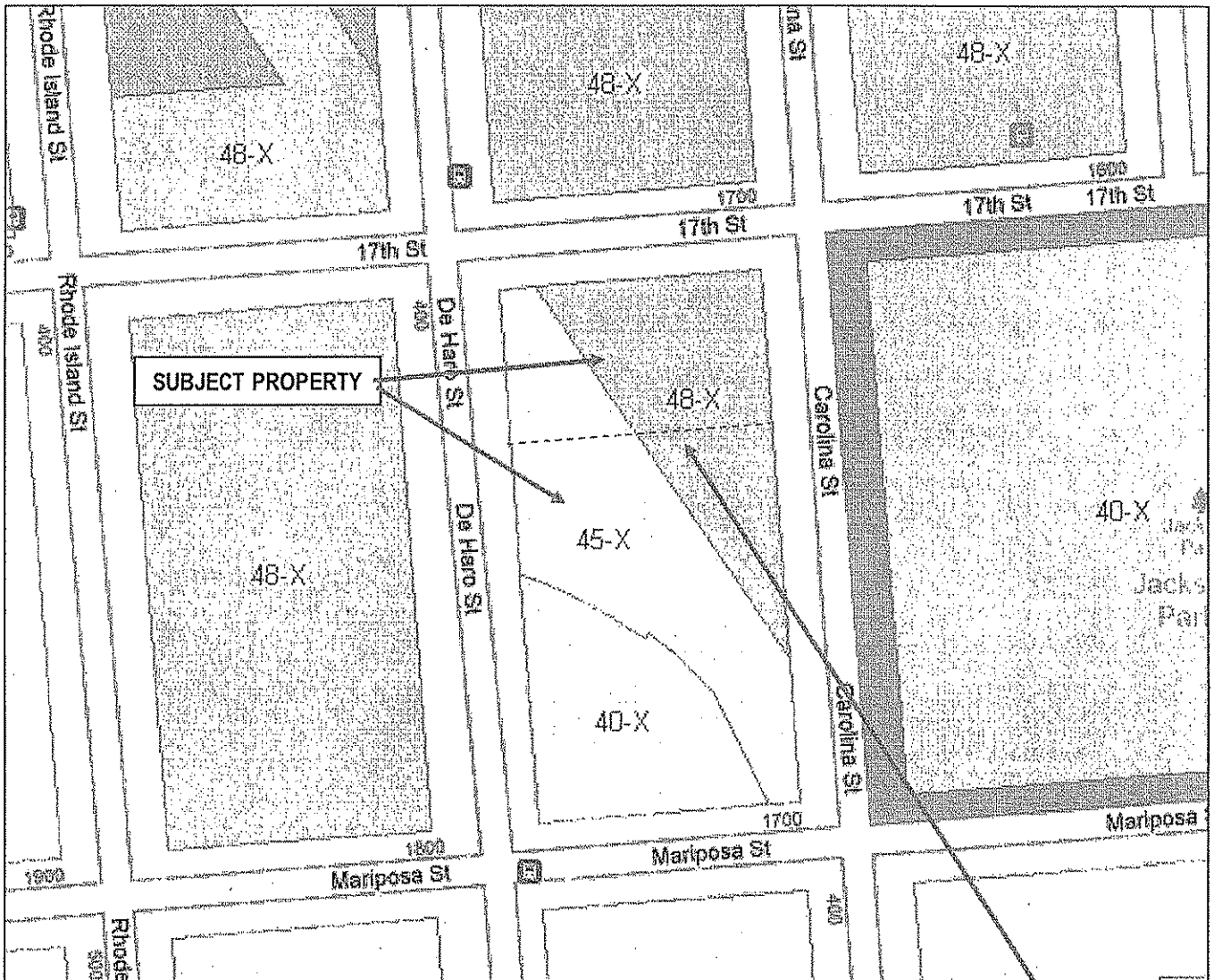
SUBJECT PROPERTY

\* The current zoning map inaccurately shows the subject property as being split-zoned. The entirety of Lot 008 is zoned UMU.



Zoning Map Reclassification  
Case Number 2010.0620Z  
1717 17<sup>th</sup> Street

# Height and Bulk Map

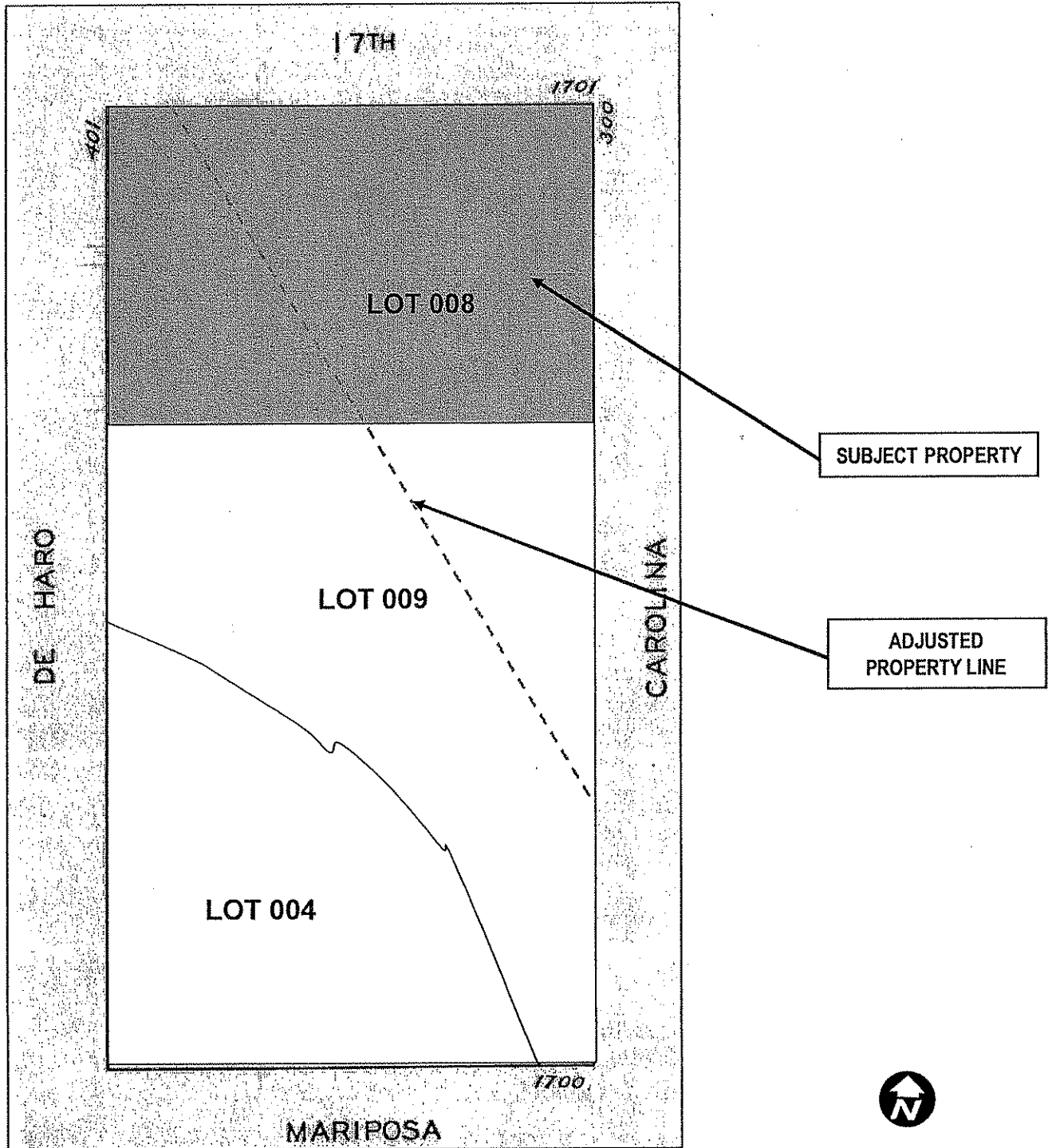


ADJUSTED  
PROPERTY LINE



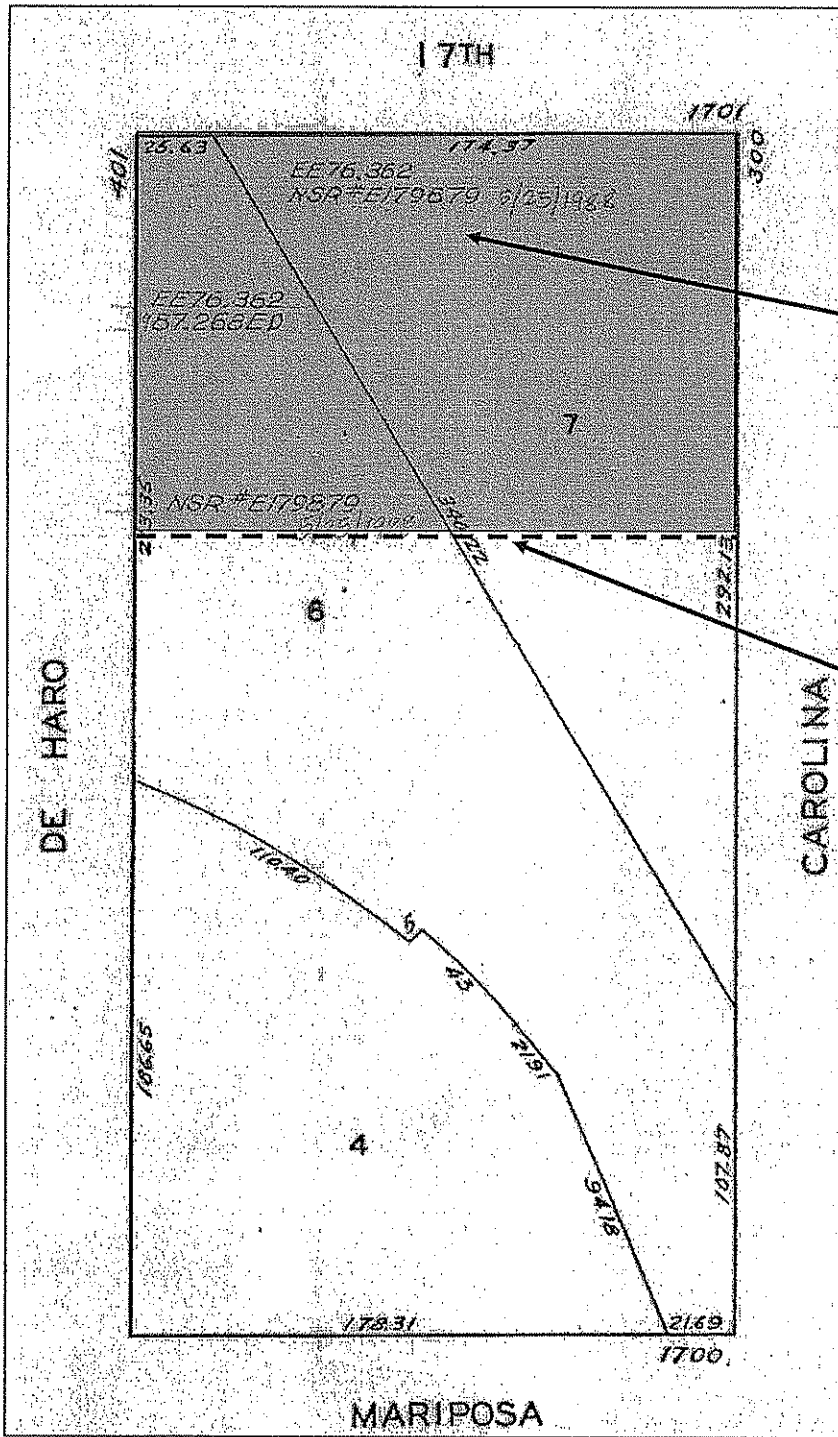
Zoning Map Reclassification  
Case Number 2010.0620Z  
1717 17<sup>th</sup> Street

# Current Parcel Map (After Lot Line Adjustment)



Conditional Use Authorization  
Case Number 2004.0946EKC  
PUD - Mixed Use Buildings  
1717 17<sup>th</sup> Street

# Previous Parcel Map (Before Lot Line Adjustment)



SUBJECT PROPERTY

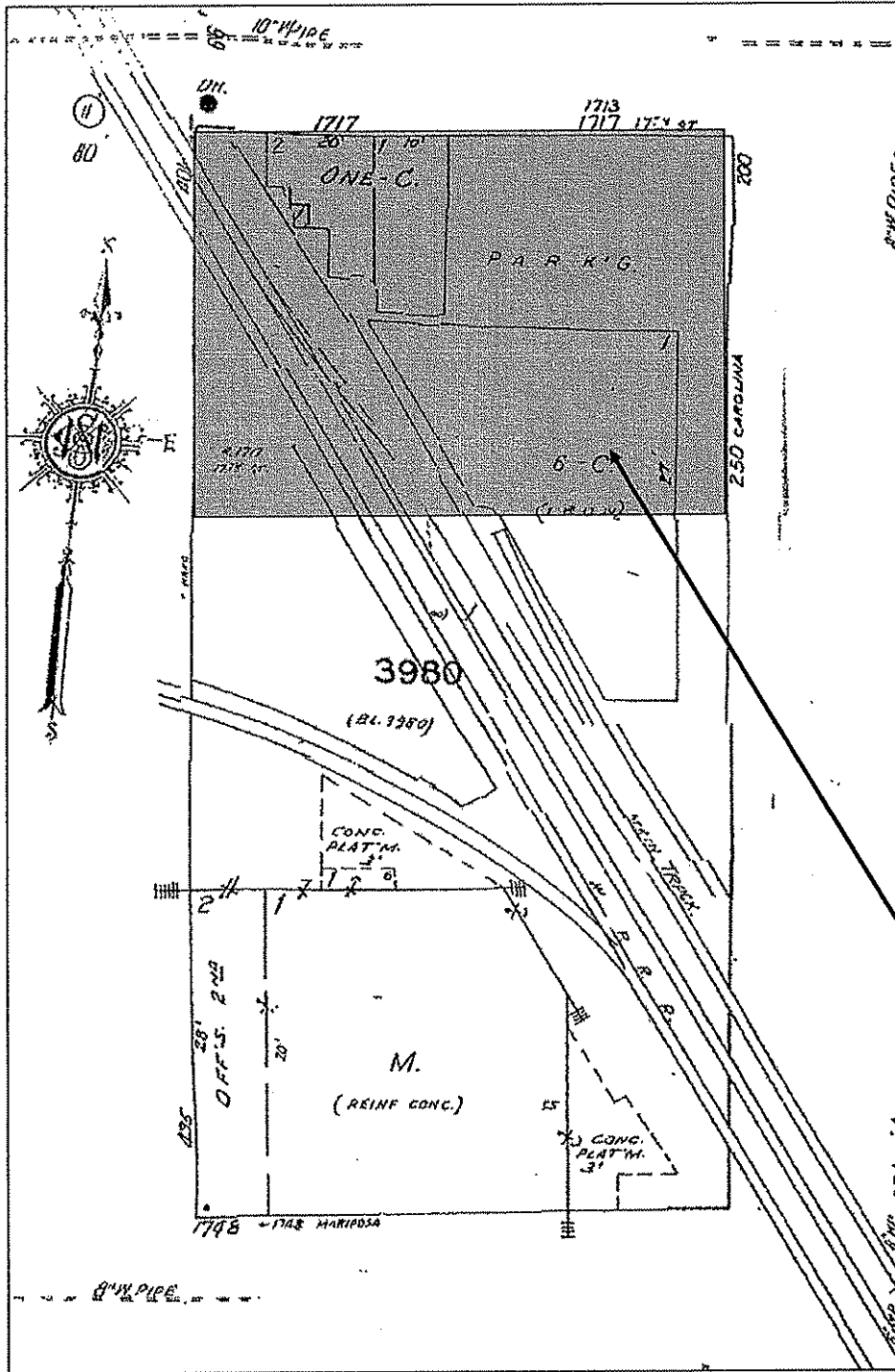
APPROXIMATE  
PROPERTY LINE FOR  
CURRENT PROJECT  
SITE



Conditional Use Authorization  
Case Number 2004.0946EKC  
PUD – Mixed Use Buildings  
1717 17<sup>th</sup> Street



# Sanborn Map\*



SUBJECT PROPERTY



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization  
 Case Number 2004.0946EKC  
 PUD - Mixed Use Buildings  
 1717 17<sup>th</sup> Street

# Aerial Photo



SUBJECT PROPERTY



SAN FRANCISCO  
PLANNING DEPARTMENT

Conditional Use Authorization  
Case Number 2004.0946EKC  
PUD – Mixed Use Buildings  
1717 17<sup>th</sup> Street

# Aerial Photo



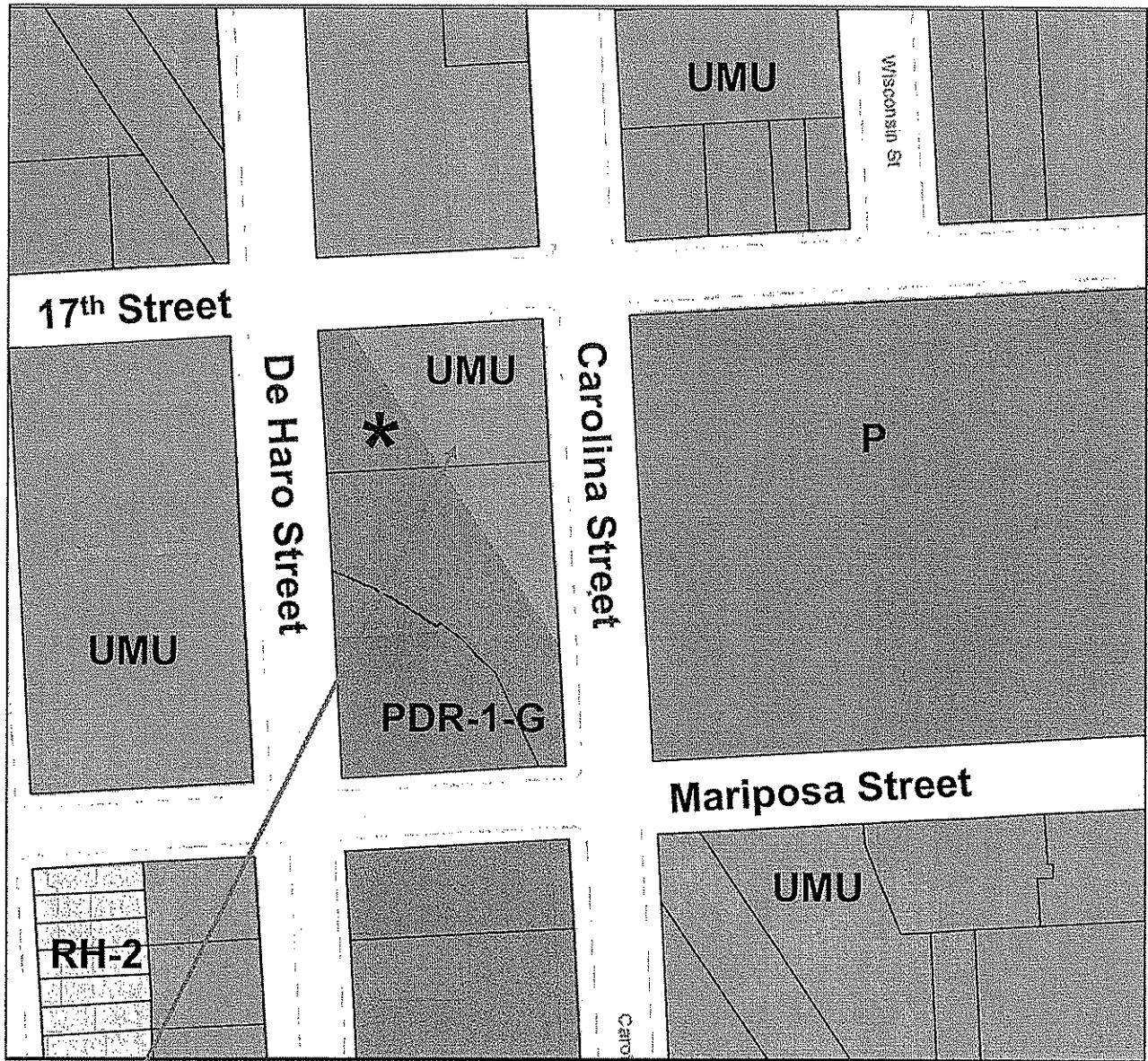
SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2004.0946EKC  
PUD - Mixed Use Buildings  
1717 17<sup>th</sup> Street



# Zoning Map



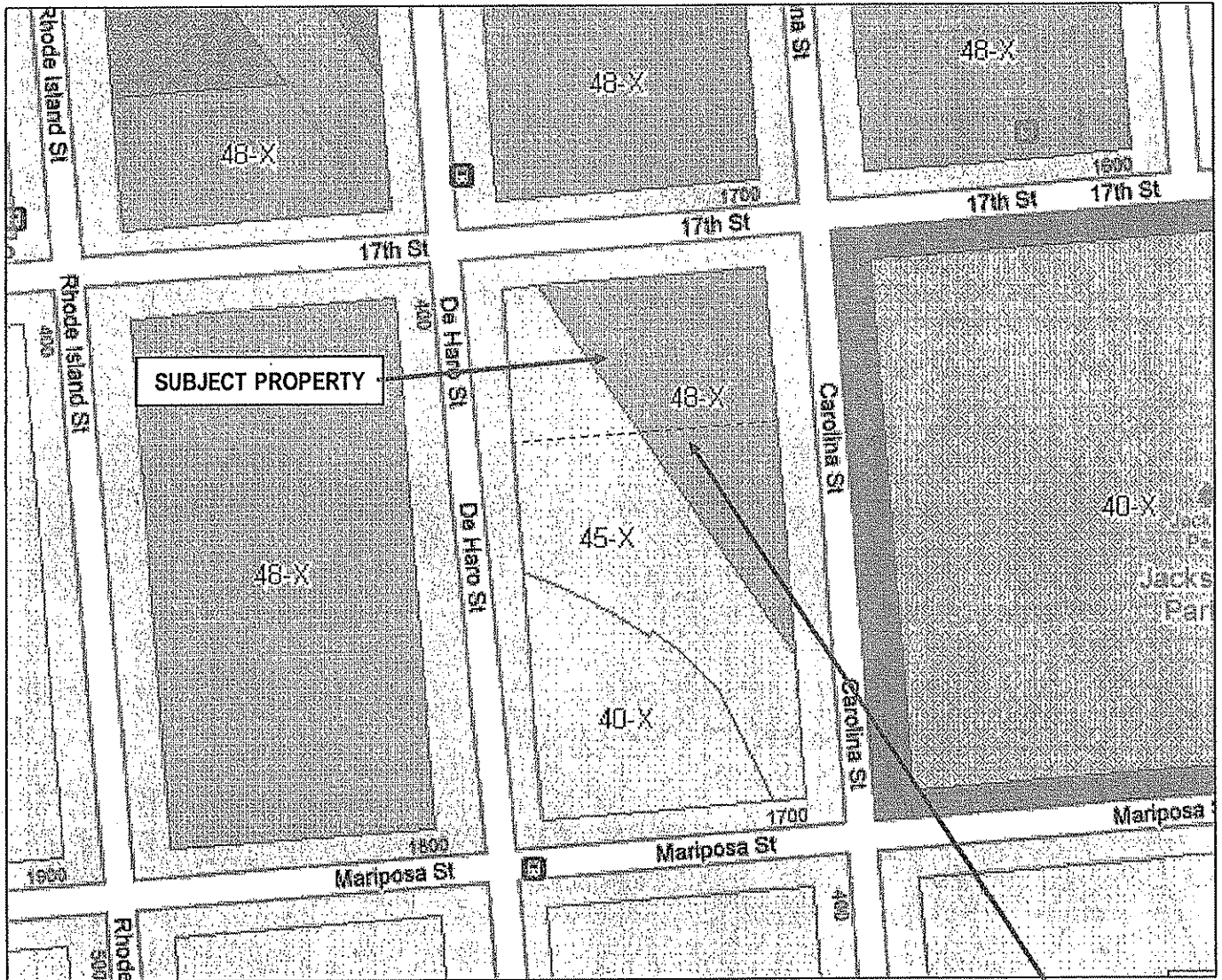
SUBJECT PROPERTY

\* The current zoning map inaccurately shows the subject property as being split-zoned. The entire subject property is zoned UMU.



Conditional Use Authorization  
 Case Number 2004.0946EKC  
 PUD – Mixed Use Buildings  
 1717 17<sup>th</sup> Street

# Height and Bulk Map



ADJUSTED  
PROPERTY LINE



Conditional Use Authorization  
Case Number 2004.0946EKC  
PUD – Mixed Use Buildings  
1717 17<sup>th</sup> Street