

BOARD of SUPERVISORS



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February 18, 2022

File No. 220159

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On February 15, 2022, Supervisor Walton submitted the following legislation:

File No. 220159

Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization and specified findings for proposed Parcel Delivery Service uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 306.7.

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

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

02/18/2022

A handwritten signature in cursive script, appearing to read "Joy Navarrete".

1 [Interim Zoning Controls - Conditional Use Authorization for Parcel Delivery Service Uses]

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3 **Resolution imposing interim zoning controls for 18 months to require a Conditional**
4 **Use authorization and specified findings for proposed Parcel Delivery Service uses;**
5 **affirming the Planning Department’s determination under the California Environmental**
6 **Quality Act; and making findings of consistency with the General Plan, the eight**
7 **priority policies of Planning Code, Section 101.1, and Planning Code, Section 306.7.**

8

9 WHEREAS, Planning Code, Section 306.7, authorizes the Planning Commission or the
10 Board of Supervisors (“Board”) to impose interim zoning controls to allow time for the orderly
11 completion of a planning study and the adoption of appropriate legislation, and to ensure that
12 the legislative scheme which may be ultimately adopted is not undermined during the planning
13 and legislative process by changes of use or approval actions which will conflict with that
14 scheme; and

15 WHEREAS, The Planning Department is evaluating the current zoning controls for new
16 Parcel Delivery Service uses in San Francisco, and is considering potential zoning
17 amendments and other policy approaches to address these issues; and

18 WHEREAS, It is necessary for the City and County of San Francisco (“City”) to further
19 study and assess new Parcel Delivery Service uses as a component of the City’s future
20 development; and

21 WHEREAS, The Board has considered the impact on the public health, safety, and
22 general welfare if these proposed interim zoning controls are not imposed; and

23 WHEREAS, The Board has determined that the public health, safety and welfare will
24 best be served by imposition of these interim zoning controls at this time, to ensure that any

25

1 legislative scheme that may ultimately be adopted to regulate Parcel Delivery Service uses
2 will not be undermined during the planning and legislative process; and

3 WHEREAS, The Board finds that these interim controls are consistent with San
4 Francisco’s General Plan, in that they satisfy Commerce and Industry Element Objective 1 to
5 “manage economic growth and change to ensure enhancement of the total city living and
6 working environment,” and that they do not conflict with any other aspects of the General
7 Plan; and

8 WHEREAS, The following General Plan Policies of the Commerce and Industry
9 Element are specifically and particularly advanced by these interim controls:

10 “Policy 1.2: Assure that all commercial and industrial uses meet minimum, reasonable
11 performance standards.” Imposition of interim zoning controls while the City properly studies
12 the rapidly evolving parcel delivery service industry and analyzes the region's quickly evolving
13 logistics industry will allow the City to study the range of impacts of parcel delivery service
14 uses, and to specifically tailor minimum and reasonably practicable performance standards
15 that accurately reflect current conditions. This will allow for orderly development of Parcel
16 Delivery Service uses.

17 “Policy 3.1: Promote the attraction, retention and expansion of commercial and
18 industrial firms which provide employment improvement opportunities for unskilled and semi-
19 skilled workers.” Parcel Delivery Service uses generally require a significant amount of
20 space. Allowing the establishment of new Parcel Delivery Services without conditional use
21 authorization while permanent controls for this type of use are being considered could
22 preclude other uses on those parcels, where such other uses may create more job
23 opportunities for unskilled and semi-skilled workers; and

1 WHEREAS, For the reasons stated above, the Board finds that these interim controls
2 support the development and conservation of the commerce and industry of the City in order
3 to maintain the economic vitality of the City, to provide its citizens with adequate jobs and
4 business opportunities, and to maintain adequate services for its residents, visitors,
5 businesses and institutions, consistent with Planning Code, Section 306.7; and

6 WHEREAS, The Board finds that these interim zoning controls do not have an effect on
7 and therefore are consistent with Priority Policy Nos. 1, 2, 3, 4, 5, 6, 7, and 8 of Planning
8 Code Section 101.1; and

9 WHEREAS, The Planning Department has determined that the actions contemplated in
10 this resolution comply with the California Environmental Quality Act (Pub. Res. Code § 21000
11 *et seq.*), which determination is on file with the Clerk of the Board in File No. _____ and is
12 incorporated herein by reference, and the Board affirms this determination; now, therefore be
13 it

14 RESOLVED, That, except as specified herein, any proposed Parcel Delivery Service
15 use, as defined in Section 102 of the Planning Code, shall require Conditional Use
16 Authorization pursuant to Planning Code, Section 303, while these Interim Zoning Controls
17 are in effect; and, be it

18 FURTHER RESOLVED, That, notwithstanding such interim Conditional Use
19 Authorization requirement, a temporary Parcel Delivery Service use at a given location may
20 be authorized, subject to all requirements of the Planning Code, for a single period not to
21 exceed 60 days once within a 12-month period, without the possibility of a renewal or
22 subsequent approval during the 12-month period; and, be it

23 FURTHER RESOLVED, That these interim zoning controls shall remain in effect for a
24 period of 18 months from the date of imposition, unless they are extended or otherwise
25 amended in accordance with the provisions of Planning Code, Section 306.7, or until the

1 adoption of permanent legislation regulating Parcel Delivery Service uses, whichever first
2 occurs.

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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Victoria Wong
7 VICTORIA WONG
8 Deputy City Attorney

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor 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):

Walton, Preston, Ronen

Subject:

Interim Zoning Controls - Conditional Use Authorization for Parcel Delivery Service Uses

The text is listed:

Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization and specified findings for proposed Parcel Delivery Service uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the Priority Policies of Planning Code, Section 101.1, and Planning Code, Section 306.7.

Signature of Sponsoring Supervisor: /s

For Clerk's Use Only