

File No. 141006

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 20, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <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 |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date October 16, 2014

Completed by: _____ Date _____

1 [Interim Zoning Controls - New Ground Floor Office Uses Facing 2nd Street, from King and
2 Folsom Streets]

3 **Resolution imposing interim zoning controls requiring conditional use authorization for**
4 **new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months;**
5 **and making environmental findings, including findings of consistency with the eight**
6 **priority policies of Planning Code, Section 101.1.**

7
8 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim
9 zoning controls to accomplish several objectives, including preservation of residential and
10 mixed residential and commercial areas in order to preserve the existing character of such
11 neighborhoods and areas, and development and conservation of the commerce and industry
12 of the City in order to maintain the economic vitality of the City, to provide its citizens with
13 adequate jobs and business opportunities, and to maintain adequate services for its residents,
14 visitors, businesses and institutions; and

15 WHEREAS, San Francisco needs to promote its vibrant small neighborhood-serving
16 retail sector and create a supportive environment for small neighborhood businesses and
17 retail. One of the eight Priority Policies of the City's General Plan resolves that "existing
18 neighborhood-serving retail uses be preserved and enhanced and future opportunities for
19 resident employment in and ownership of such businesses enhanced"; and

20 WHEREAS, Neighborhood-serving commercial uses are the land uses most critical to
21 the success of the City's commercial districts, and ground floor neighborhood-serving retail is
22 critical to maintain vibrant mixed used districts; and

23 WHEREAS, In 2011, the Planning Department began the process to develop an
24 integrated community vision for the southern portion of the Central Subway rail corridor,
25 located generally from 2nd to 6th Streets, and between Townsend and Market Streets (the

1 "Central SoMa Plan".) The Central SoMa Plan proposes to build off the neighborhood's
2 success, while addressing many of its challenges, with a comprehensive strategy that will
3 address such issues as land use, building size and heights, transportation, the public realm,
4 preservation of historic buildings and environmental sustainability; and

5 WHEREAS, In recent years, there has been high development demand within the
6 Central SoMa Plan area, and in the South of Market area more generally. This demand is
7 mostly for residential and office uses; and

8 WHEREAS, As part of the Central SoMa Plan, the Planning Department and the
9 community will consider how can the City best accommodate this growing development
10 demand while preserving and enhancing the neighborhood qualities and character that make
11 the area the dynamic place that it is today; and

12 WHEREAS, As part of that effort, the Department will consider how to preserve and
13 enhance ground-floor neighborhood-serving retail; and

14 WHEREAS, These interim controls are intended and designed to address the pressure
15 to develop new, non-neighborhood-serving office uses in a particular subsection of the Central
16 SoMa Plan area and the area immediately adjacent to it: the area close to South Park, on 2nd
17 Street, between King and Folsom Streets, by requiring conditional use authorization for such
18 establishments uses during the next eighteen months; and

19 WHEREAS, This Board has considered the impact on the public health, safety, peace,
20 and general welfare if the interim controls proposed herein were not imposed; and

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

1 WHEREAS, The Planning Department has determined that the actions contemplated in
2 this Resolution are in compliance with the California Environmental Quality Act (California
3 Public Resources Code Section 21000 et. seq.). Said determination is on file with the Clerk of
4 the Board of Supervisors in File No. 141006 and is incorporated here by reference; now,
5 therefore, be it

6 RESOLVED, Pursuant to Planning Code, Section 306.7, the Board of Supervisors, by
7 this resolution, hereby prohibits any City agency, board, commission, officer or employee from
8 approving any site permit, building permit or any other permit or license authorizing the
9 establishment of any new office uses, as defined herein, on the ground floor on properties
10 facing 2nd Street, between King and Folsom Streets, unless the action would conform both to
11 the existing provisions of the Planning Code and this resolution; and, be it

12 FURTHER RESOLVED, That for the purpose of these interim controls "office uses"
13 shall be defined in Planning Code, Section 890.70 , but shall not include Neighborhood-
14 Serving Businesses as defined in Planning Code, Section 890.68; and, be it

15 FURTHER RESOLVED, That as of the effective date of this Resolution, the
16 establishment of new office uses on the ground floor facing 2nd Street, between King and
17 Folsom Streets, shall be subject to a conditional use authorization; and, be it

18 FURTHER RESOLVED, That these interim zoning controls shall apply to properties
19 facing 2nd Street, between King and Folsom Streets, or more specifically, to the following
20 blocks and lots: Block 3774, lots 045, 067, 123, 031, 044, and 191; block 3788, lots 006, 037,
21 043, 049, 038, 002, 044; block 3775, lots 008, 181, 002, 005, 001, 004; block 3764, lots 068,
22 067, 014, 071; block 3794, lots 015, 002, 002B, 291; block 3749, lot 062; block 3763, lots 006,
23 007, 113, 001, 112; block 3789, lots 858, 007, 008; block 3750, lots 003, 073, 087; and block
24 3793, lot 005; and, be it

1 FURTHER RESOLVED, That any office use on the ground floor lawfully existing prior
2 to the effective date of this interim controls is exempt from these interim controls, unless it
3 ceases to operate or discontinues operation for ninety (90) days or longer, in which event the
4 use shall be deemed abandoned; and, be it

5 FURTHER RESOLVED, These controls shall not apply to buildings with more than
6 1,500 square footage of ground floor retail, as long as a minimum of 1,500 square footage of
7 retail is preserved; and, be it

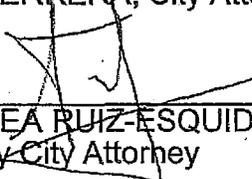
8 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
9 Commission shall consider, in addition to the criteria listed in Planning Code Section 303, the
10 effect of the proposed new offices on the ground floor. In so doing, the Commission shall take
11 into consideration the effect of the proposed office on existing neighborhood-serving retail
12 uses, as directed by Planning Code Section 101.1; and, be it

13 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
14 months from the effective date of this legislation, or until the adoption of permanent legislation
15 regarding the Central SoMa Plan, whichever first occurs; and, be it

16 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
17 with Priority Policies the Planning Code Section 101.1, particularly Policies 1 and 2, in that
18 they attempt to preserve and enhance the character and vitality of one of the City's
19 neighborhoods. With respect to Priority Policies 3, 4, 5, 6, 7, and 8, the Board finds that these
20 interim zoning controls do not have an effect and will not conflict with said policies.

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

23 By:

24 
25 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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LEGISLATIVE DIGEST

[Interim Zoning Controls - New Ground Floor Office Uses Facing 2nd Street, from King and Folsom Streets]

Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 306.7 authorizes the Board of Supervisors and the Planning Commission to impose interim zoning controls to suspend temporarily the processing of certain applications for permits or other land use authorizations which may be in conflict with a contemplated zoning proposal that the Board, the Planning Commission or the Planning Department is considering or intends to consider.

Amendments to Current Law

This Resolution would adopt interim zoning controls to require a conditional use authorization for new office uses on the ground floor facing 2nd Street, between King and Folsom Streets, for 18 months or until the adoption of the Central SoMa Plan, which is currently being prepared by the Planning Department.

Under the interim zoning controls, in addition to the criteria listed in Planning Code Section 303, the Planning Commission is required to consider the effect of the proposed new offices on the ground floor. In so doing, the Commission shall take into consideration the effect of the proposed office on existing neighborhood-serving retail uses, as directed by Planning Code Section 101.1.

The interim zoning controls do not apply to ground floor office uses lawfully existing prior to the effective date of the Resolution, or to buildings with more than 1,500 square footage of ground floor retail, where a minimum of 1,500 square footage of retail is preserved.

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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

MEMORANDUM

TO: Jonas Ionin, Acting Commission Secretary, Planning Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: October 9, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Kim on September 23, 2014:

File No. 141006

Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: John Rahaim, Planning Department
Aaron Starr, Planning Department
AnMarie Rodgers, Planning Department

BOARD of SUPERVISORS



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

October 7, 2014

File No. 141006

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

Dear Ms. Jones:

On September 23, 2014, the Board of Supervisors introduced the following legislation:

File No. 141006

Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2014.10.17 08:28:54 -07'00'

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: October 6, 2014

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 141006

Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Monday, October 20, 2014
- Time:** 1:30 p.m.
- Location:** Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** File No. 141006. Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, October 17, 2014.

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

Angela Calvillo, Clerk of the Board

DATED: October 8, 2014
MAILED/POSTED: October 10, 2014
PUBLISHED: October 11, 2014

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Andrea Ausberry
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1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

CNS 2676277

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description LU Interim Zoning Controls 141006

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

10/11/2014

NOTICE OF PUBLIC HEARING LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SF BOARD OF SUPERVISORS OCTOBER 20, 2014 - 1:30 PM COMMITTEE ROOM 263, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA
NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 141006. Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, October 17, 2014. Angela Calvillo, Clerk of the Board

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Fax No. 554-5163
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PROOF OF MAILING

Legislative File No. 141006

Description of Items:

Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

I, JAMES PHUNG, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: 10/10/2014

Time: 6:30 PM

USPS Location: 101 SOUTH VANNESS - PICK UP BY USPS

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

Signature: 

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

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 SEP 23 PM 1:26
Time stamp
or meeting date
EWS

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

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

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

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

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

Sponsor(s):

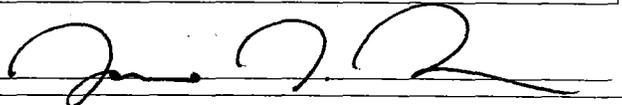
Supervisor Jane Kim

Subject:

Interim Zoning - Controls for New Ground Floor Office Uses on 2nd Street, between King and Folsom Streets

The text is listed below or attached:

See Attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

141006

