

File No. 230817 Committee Item No. 5
Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date September 11, 2023

Board of Supervisors Meeting Date September 19, 2023

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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| OTHER | | (Use back side if additional space is needed) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA PC 071923</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 072423</u> |
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Completed by: Erica Major Date September 7, 2023
Completed by: Erica Major Date September 14, 2023

1 [Interim Zoning Controls - Extending and Modifying Conditional Use Authorization
2 Requirement for Parcel Delivery Service Uses]

3 **Resolution extending and modifying interim zoning controls enacted in Resolution No.**
4 **109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service**
5 **uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery**
6 **Services uses greater than 10,000 square feet, and 2) to use the definition of Parcel**
7 **Delivery Services that was in effect as to the effective date of Resolution No. 109-22;**
8 **affirming the Planning Department’s determination under the California Environmental**
9 **Quality Act; and making findings of consistency with the General Plan, the eight**
10 **priority policies of Planning Code, Sections 101.1 and Section 306.7.**

11
12 WHEREAS, Planning Code Section 306.7 authorizes the Board of Supervisors (the
13 “Board”) to impose interim controls to allow time for orderly completion of a planning study
14 and for the adoption of appropriate legislation, which are necessary to ensure that the
15 legislative scheme that may be ultimately adopted is not undermined during the planning and
16 legislative process by the approval or issuance of permits authorizing changes of use that
17 could conflict with that scheme; and

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

21 WHEREAS, On March 31, 2022, the Mayor approved Resolution No. 109-22, which
22 imposed interim controls for an 18-month period, expiring on September 30, 2023, to require a
23 Conditional Use authorization for proposed Parcel Delivery Service uses; and

24 WHEREAS, The circumstances that caused the Board to adopt the interim controls in
25 Resolution No. 109-22 continue to exist; and

1 WHEREAS, In adopting those interim controls, the Board found that it is necessary for
2 the City to further study and assess new Parcel Delivery Service uses as a component of the
3 City's future development; and

4 WHEREAS, The Board has determined that the public health, safety and welfare will
5 best be served by extension of these interim zoning controls at this time, to ensure that any
6 legislative scheme that the Board may ultimately adopt to regulate Parcel Delivery Service
7 uses will not be undermined during the planning and legislative process; and

8 WHEREAS, The Board finds that these interim controls are consistent with San
9 Francisco's General Plan, in that they satisfy Commerce and Industry Element Objective 1 to
10 "manage economic growth and change to ensure enhancement of the total city living and
11 working environment," and that they do not conflict with any other aspects of the General
12 Plan; and

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

- 15 • "Policy 1.2: Assure that all commercial and industrial uses meet minimum,
16 reasonable performance standards." Imposition of interim zoning controls while the
17 City properly studies the rapidly evolving parcel delivery service industry and
18 analyzes the region's quickly evolving logistics industry will allow the City to study
19 the range of impacts of Parcel Delivery Service uses, and to specifically tailor
20 minimum and reasonably practicable performance standards that accurately reflect
21 current conditions. This will allow for orderly development of Parcel Delivery Service
22 uses.
- 23 • "Policy 3.1: Promote the attraction, retention and expansion of commercial and
24 industrial firms which provide employment improvement opportunities for unskilled
25

1 and semi-skilled workers." Parcel Delivery Service uses generally require a
2 significant amount of space. Allowing the establishment of new Parcel Delivery
3 Service uses without conditional use authorization while permanent controls for this
4 type of use are being considered could preclude other uses on those parcels, where
5 such other uses may create more job opportunities for unskilled and semi-skilled
6 workers; and

- 7 • WHEREAS, For the reasons stated above, the Board finds that these interim
8 controls support the development and conservation of the commerce and industry
9 of the City in order to maintain the economic vitality of the City, to provide its
10 citizens with adequate jobs and business opportunities, and to maintain adequate
11 services for its residents, visitors, businesses and institutions, consistent with
12 Planning Code, Section 306.7; and

13 WHEREAS, The extension of the interim controls established by this Resolution will
14 allow time for the orderly completion of a planning study and for the adoption of appropriate
15 legislation; and

16 WHEREAS, Planning Code, Section 306.7(h), authorizes the Board to extend the
17 interim controls up to a time period not to exceed 24 months; and

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

21 WHEREAS, The Planning Department has determined that the actions contemplated in
22 this resolution comply with the California Environmental Quality Act (Pub. Res. Code § 21000
23 et seq.), which determination is on file with the Clerk of the Board in File No. 230817 and is
24
25

1 incorporated herein by reference, and the Board affirms this determination; now, therefore, be
2 it

3 RESOLVED, That the interim controls imposed by Resolution No. 109-22 are hereby
4 extended and modified as set forth herein, and shall remain in effect until March 30, 2024, or
5 until the adoption of permanent legislation that addresses substantially the same issues,
6 whichever first occurs; and, be it

7 FURTHER RESOLVED, That, except as specified herein, any proposed Parcel
8 Delivery Service use, as defined in Section 102 of the Planning Code on March 31, 2022, that
9 is greater than 5,000 square feet, shall require Conditional Use Authorization pursuant to
10 Planning Code, Section 303, while these Interim Zoning Controls are in effect; and, be it

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

16 FURTHER RESOLVED, That the Planning Department shall provide reports to the
17 Board pursuant to Planning Code, Section 306.7(i).

18
19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Andrea Ruiz-Esquide
22 ANDREA RUIZ-ESQUIDE
23 Deputy City Attorney

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: July 19, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230817
Interim Zoning Controls - Extending and Modifying Conditional Use Authorization
Requirement for Parcel Delivery Service Uses

- California Environmental Quality Act (CEQA) Determination 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.
(California Public Resources Code, Sections 21000 et seq.)
- Ordinance / Resolution
 Ballot Measure
- 07/21/2023 
- Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
 General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 Landmark (Planning Code, Section 1004.3)
 Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
 Mills Act Contract (Government Code, Section 50280)
 Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

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**NOTICE OF PUBLIC HEARING
LAND USE AND TRANSPORTATION COMMITTEE
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco 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: September 11, 2023

Time: 1:30 p.m.

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

REMOTE ACCESS

Watch: www.sfgovtv.org

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

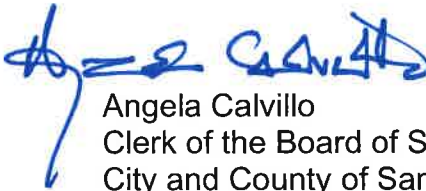
Subject: **File No. 230817.** Resolution extending and modifying interim zoning controls enacted in Resolution No. 109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery Services uses greater than 10,000 square feet; and 2) to use the definition of Parcel Delivery Services that was in effect as to the effective date of Resolution No. 109-22; 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, Sections 101.1 and 306.7.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments 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 Board of Supervisors. 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 or sent via email

(board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, September 8, 2023.

For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee:

Erica Major (Erica.Major@sfgov.org) ~ (415) 554-4441)



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

em:

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ERICA MAJOR
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

EXM# 3724733

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description

EDM 09.11.2023 Land Use - 230817 Interim Zoning Control (Dorsey)

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

08/20/2023

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$345.80
Total	\$345.80

NOTICE OF PUBLIC HEARING SAN FRANCISCO BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE MONDAY, SEPTEMBER 11, 2023 - 1:30 PM NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco 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. 230817. Resolution extending and modifying interim zoning controls enacted in Resolution No. 109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery Services uses greater than 10,000 square feet; and 2) to use the definition of Parcel Delivery Services that was in effect as to the effective date of Resolution No. 109-22; 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, Sections 101.1 and 306.7. Location: IN-PERSON MEETING INFORMATION Legislative Chamber, Room 250, located at City Hall 1 Dr. Carlton B. Goodlett Place, San Francisco, CA

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REMOTE ACCESS Watch: www.sfgovtv.org Public Comment Call-In: <https://sfbos.org/remote-meeting-call> In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments 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 Board of Supervisors. 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 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this



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 - Ordinance / Resolution
 - Ballot Measure

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