

Committee Item No. 2  
Board Item No. 49

## AGENDA PACKET CONTENTS LIST

**Board of Supervisors Meeting** Date July 16, 2013

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Motion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

[illegible]

Completed by: Alisa Miller Date July 3, 2013  
Completed by: Alisa Miller Date July 11, 2013

1 [Interim Zoning Controls in the Planning Code - Upper Market Street Neighborhood  
2 Commercial Transit District]

3  
4 **Resolution imposing interim zoning controls for an 18-month period requiring**  
5 **Conditional Use authorization for Limited Financial Service and Business or**  
6 **Professional Service uses in the Upper Market Neighborhood Commercial Transit**  
7 **District; making environmental findings and findings of consistency with the General**  
8 **Plan and with the priority policies of Planning Code, Section 101.1.**  
9

10 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning  
11 controls that promote the public interest, including but not limited to development and  
12 conservation of the City's commerce and industry to maintain the City's economic vitality and  
13 maintain adequate services for its residents, visitors, businesses and institutions; and  
14 preservation of neighborhoods and areas of mixed residential and commercial uses and their  
15 existing character; and

16 WHEREAS, Maximizing active ground floor building street frontages and dynamic,  
17 pedestrian-friendly neighborhood commercial corridors is a recognized public purpose and  
18 promotes the public interest of the City and County of San Francisco; and

19 WHEREAS, The ground floor retail spaces in the Upper Market Street Neighborhood  
20 Commercial Transit District (NCT) already contain an over-concentration of financial and  
21 business services; and

22 WHEREAS, The area where the interim controls are imposed is currently regulated by  
23 Planning Code Section 733.1 and the Zoning Control Table in Section 733. Section 733.50 of  
24 the Zoning Control allows Limited Financial Services, as defined by Planning Code Section  
25 790.112, only on the ground floor as a principally permitted use and Section 733.53 allows

1 Business or Professional Service, as defined by Planning Code Section 790.108, as a  
2 principally permitted use on the ground floor and second story and as a conditional use on the  
3 third story and above; and

4 WHEREAS, These interim controls will allow time for the orderly completion of a  
5 planning study and for the adoption of appropriate legislation; and

6 WHEREAS, This Board of Supervisors ("Board") has considered the impact on the  
7 public health, safety, peace and general welfare if the interim controls proposed herein are not  
8 imposed; and

9 WHEREAS, The Board has determined that the public interest will best be served by  
10 imposition of these interim controls in order to ensure that the legislative scheme which may  
11 be ultimately adopted is not undermined during the planning and legislative process for  
12 permanent controls; and

13 WHEREAS, The Board makes the following findings of consistency with the Priority  
14 Policies set forth in Planning Code Section 101.1: By requiring Conditional Use authorization  
15 for Limited Financial Service and Business or Professional Service uses, these interim  
16 controls advance Priority Policy 1 that existing neighborhood-serving retail uses be preserved  
17 and enhanced and Priority Policy 2 that existing housing and neighborhood character be  
18 conserved and protected in order to preserve the cultural and economic diversity of our  
19 neighborhoods; these interim controls do not conflict with the other Priority Policies of Section  
20 101.1; and

21 WHEREAS, The Planning Department has determined that the actions contemplated in  
22 this Resolution are in compliance with the California Environmental Quality Act (California  
23 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
24 the Board of Supervisors in File No. 130677 and is incorporated herein by  
25 reference; now, therefore, be it

Supervisor Wiener  
BOARD OF SUPERVISORS

1 RESOLVED, That pursuant to Planning Code Section 306.7, the Board hereby requires  
2 that a Conditional Use authorization pursuant to Planning Code Section 303 is required to  
3 establish a Limited Financial Service, as defined by Planning Code Section 790.112, or  
4 Business or Professional Service, as defined by Planning Code Section 790.108, for all  
5 parcels located with the Upper Market Street NCT; and, be it

6 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning  
7 Department shall conduct a study of the contemplated zoning proposal and propose  
8 permanent legislation to address the issues posed by a concentration of financial and  
9 business services in the Upper Market Street NCT; and, be it

10 FURTHER RESOLVED, That these interim controls shall apply to all applications that  
11 seek to establish a Limited Financial Service or a Business or Professional Service use in the  
12 area covered by the controls that are filed on or after June 25, 2013; and,

13 FURTHER RESOLVED, That these interim controls shall remain in effect for a period  
14 of eighteen (18) months unless extended in accordance with Planning Code Section 306.7(h)  
15 or until permanent controls are adopted; 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 DENNIS J. HERRERA, City Attorney

21 By:

  
22 JUDITH A. BOYAJIAN  
23 Deputy City Attorney

24 n:\egana\as2013\1300511\00856349.doc  
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

June 26, 2013

File No. 130677

John Rahaim  
Director  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Director Rahaim:

On June 25, 2013, Supervisor Wiener introduced the following proposed legislation:

**File No. 130677**

Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the priority policies of Planning Code, Section 101.1.

This 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, appearing to read "Alisa Miller".

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

Attachment

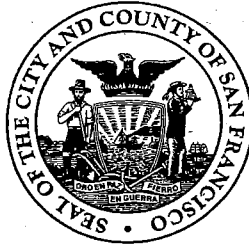
c: Scott Sanchez, Zoning Administrator  
Sarah Jones, Environmental Review Officer  
AnMarie Rodgers, Legislative Affairs Manager  
Monica Pereira, Environmental Planning  
Joy Navarrete, Environmental Planning  
Judy Boyajian, Deputy City Attorney

*non-physical  
Exemption per  
CEQA section  
15060(c)(2)*

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

07/03/13

MONICA PEREIRA



## MEMORANDUM

### LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Scott Wiener, Chair  
Land Use and Economic Development Committee

FROM: Alisa Miller, Committee Clerk

DATE: July 10, 2013

SUBJECT: **INTERIM ZONING CONTROLS (File No. 130677)**  
Upper Market Street Neighborhood Commercial Transit District

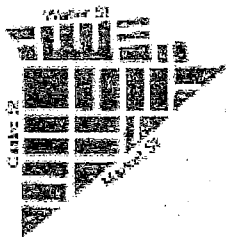
Pursuant to Planning Code, Section 306.7(c), when Interim Zoning Controls are imposed by the Board of Supervisors and a hearing is held before a committee, the committee shall report to the Board a summary of matters presented at the hearing, along with their recommendation.

The following summary is being provided to the Committee Chair for presentation to the full Board:

- On July 8, 2013, the Land Use and Economic Development Committee held a public hearing on File No. 130677 (Interim Zoning Controls in the Planning Code - Upper Market Street Neighborhood Transit District)
- During his introduction of the matter, Supervisor Wiener (as sponsor of the legislation) addressed several issues precipitating the proposed Resolution:
  - There is significant new development along the Upper Market corridor, including an unprecedented amount of new ground-floor commercial space coming on-line in the next few years with a unique expansion of retail opportunity.
  - The new development has the potential to be either a thriving, pedestrian-oriented retail corridor or an assemblage of disconnected commercial spaces.



- Limited Financial Service and Business or Professional Service uses tend to be perceived as more desirable by developers, but a high concentration of these uses can adversely impact the corridor's viability.
  - The proposed interim controls would require 1) Limited Financial Service and 2) Business or Professional Service uses be considered as Conditional Uses. There are a number of other neighborhood commercial corridors that already consider these uses as a Conditional Use (e.g., Hayes-Gough NCT, North Beach NCD, Sacramento NCD).
    - Approval of the interim controls will allow the Planning Commission and neighborhood to consider these uses in context with the existing housing and neighborhood character, whether it is necessary and desirable.
  - The interim zoning controls will automatically sunset after 18 months and could be amended into the Planning Code at that point.
- Departmental Representative:
- **AnMarie Rodgers** (Planning Department): The Planning Commission has not considered this matter, but it has been reviewed by the Planning Department staff and a Categorical Exemption was issued on July 3, 2013. Department staff believes these controls are an important step to ensure appropriate active land use in this area. The uses Supervisor Wiener seeks to regulate via Conditional Use tend to have a deadening effect on street life. Planning Code, Section 145.4, currently requires active uses for Market Street facing facades and certain side streets, but not for many other side streets that are just as prominent. Supervisor Wiener's interim controls would ensure these prominent side streets receive the Commission's consideration. Staff is interested in ensuring these active use controls are applied throughout the entire Upper Market area and recommends approval of the proposed interim zoning controls.
- Public Comment: There was one member of the public who spoke in support of the interim zoning controls.
- The item was Recommended to the full Board for consideration on July 16, 2013, by the following vote:
- Supervisor Wiener - Aye
  - Supervisor Kim - Aye
  - Supervisor Chiu - Aye



## Duboce Triangle Neighborhood Association

PMB # 301, 2261 Market Street, San Francisco, CA 94114

(415) 295-1530 / [www.dtna.org](http://www.dtna.org)

RE: File#130677

July 2, 2013

Dear Members of the Land Use and Economic Development Committee,

I am writing on behalf of Duboce Triangle Neighborhood Association (DTNA), Board of Directors to voice our support for the resolution imposing interim zoning controls for an 18- month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District.

As the Upper Market community braces for an abundance of commercial real estate coming available, we feel that requiring a Conditional Use authorization is appropriate to ensure a balanced retail environment. We don't want the Upper Market to become a haven for financial institutions. It is necessary and desirable that we maintain neighborhood character and locally supported businesses, which serve the community needs.

DTNA is extremely concerned about the proliferation of financial services within the Upper Market commercial district. We don't want the proliferation of such uses, to force out small, local, character-defining businesses that do not have the resources of multinational financial companies. Neighborhood character and tourism are a major aspect of our neighborhood and we believe if we lose the unique character we will also lose the economic benefit it brings.

For all of these reasons, we find this legislation to be highly *desirable* to minimize the impacts on the neighborhood. In summary, this application requiring Conditional Use authorization should be approved.

Thank you for considering our views.

Sincerely,

President- Duboce Triangle Neighborhood Association

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 JUL -3 AM 8:10  
DL



June 30, 2013

File 130677

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 JUL -2 PM 2:14

James Frank

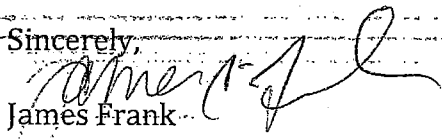
370 Church Street Apt E  
San Francisco, CA 94114

Dear Ms. Calvillo,

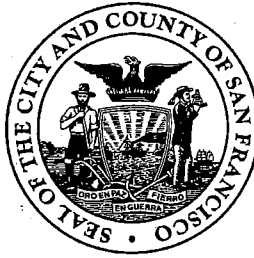
Your letter of public hearing gave no details as to the subject of the meeting.

As a matter of course, I and my husband oppose whatever measure is being considered until further details are furnished.

Sincerely,

  
James Frank

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 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:

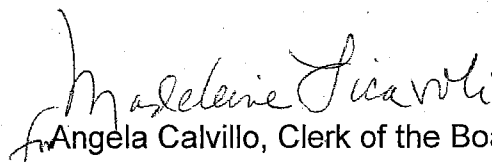
**Date:** Monday, July 8, 2013

**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. 130677. Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the priority policies of Planning Code, Section 101.1.

In accordance with San Francisco 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 a 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, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, 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, July 5, 2013.

  
Angela Calvillo, Clerk of the Board

DATED: June 27, 2013  
MAILED/POSTED: June 28, 2013  
PUBLISHED: June 29, 2013

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Alisa Miller  
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description AM - 07.08.13 Land Use - 130677 Interim Controls

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 County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

06/29/2013

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ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
SAN DIEGO COMMERCE, SAN DIEGO	(619) 232-3486
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
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CNS 2504111

#### NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRAN-

CISCO  
LAND USE AND ECONOMIC DEVEL-  
OPMENT COMMITTEE  
MONDAY, JULY 8, 2013 - 1:30 PM  
COMMITTEE ROOM 263, CITY HALL  
1 DR. CARLTON B. GOODLETT  
PLACE, SAN FRANCISCO, CA

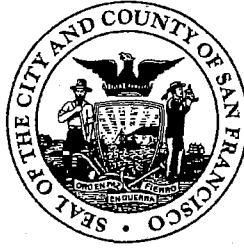
NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 130677. Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the priority policies of Planning Code, Section 101.1.

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Angela Calvillo, Clerk of the Board  
6/29/13



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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. 544-5227

PROOF OF MAILING

Legislative File No. 130677

Description of Items:

**Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the priority policies of Planning Code, Section 101.1.**

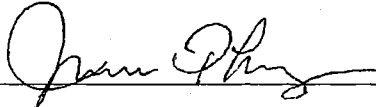
I, JAMES PHUNG, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: JUNE 28, 2013

Time: 6:00 PM

USPS Location: 1300 EVANS AVE SF CA 94188

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

Signature: 

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

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

June 26, 2013

**File No. 130677**

John Rahaim  
Director  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Director Rahaim:

On June 25, 2013, Supervisor Wiener introduced the following proposed legislation:

**File No. 130677**

Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the priority policies of Planning Code, Section 101.1.

This 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 Miller".

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

Attachment

c: Scott Sanchez, Zoning Administrator  
Sarah Jones, Environmental Review Officer  
AnMarie Rodgers, Legislative Affairs Manager  
Monica Pereira, Environmental Planning  
Joy Navarrete, Environmental Planning  
Judy Boyajian, Deputy City Attorney

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

## MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
Chris Schulman, Commission Secretary  
**Small Business Commission, City Hall, Room 448**

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: June 26, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use & 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. 130677**

Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the 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**

**Introduction Form**By a Member of the Board of Supervisors or the MayorTime 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 [ ] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. 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****Sponsor(s):**

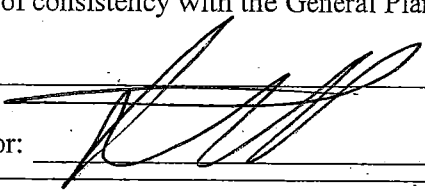
Supervisor Wiener

**Subject:**

Planning Code - Interim zoning controls for the Upper Market Street Neighborhood Commercial Transit District

**The text is listed below or attached:**

Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses in the Upper Market Neighborhood Commercial Transit District; making environmental findings and findings of consistency with the General Plan and with the Priority Policies of Planning Code Section 101.1.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

