

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: John Rahaim, Director, Planning Department
Mohammed Nuru, Director, Public Works
Ed Reiskin, Executive Director, Municipal Transportation Agency

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

DATE: July 14, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on July 7, 2015:

File No. 150737

Resolution imposing interim zoning controls in the Transit Center District Plan Area ("Plan Area"), which is bounded by Market Street on the north, Folsom Street on the South, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but excluding the planned Rooftop Park between Mission, Howard, Second and Beale Streets and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment Plan, which include portions of land bounded by Spear, Mission, Folsom and Second Streets, to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

If you have any 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.

Referral from the Board of Supervisors
Land Use and Transportation Committee
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C:

Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department
Frank Lee, Public Works
Fuad Sweiss, Public Works
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency

1 [Interim Zoning Controls - Signs in Transit Center District Plan Area and between Folsom,
2 Harrison, Essex and Second Streets]

3 **Resolution imposing interim zoning controls in the Transit Center District Plan Area**
4 **(“Plan Area”), which is bounded by Market Street on the north, Folsom Street on the**
5 **South, Steuart Street on the east, and between New Montgomery and Third Streets on**
6 **the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but**
7 **excluding the planned Rooftop Park between Mission, Howard, Second and Beale**
8 **Streets and those portions of the Plan Area included in Zone 1 of the Transbay**
9 **Redevelopment Plan, which include portions of land bounded by Spear, Mission,**
10 **Folsom and Second Streets, to restrict the size and height of new signs within 200 feet**
11 **of and visible from an existing or planned public park or open space, and to restrict**
12 **illumination of certain new signs in those areas; and making environmental findings,**
13 **including findings of consistency with the eight priority policies of Planning Code,**
14 **Section 101.1.**

15
16 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning
17 controls to accomplish several objectives, including preservation of residential and mixed
18 residential and commercial areas in order to preserve the existing character of such
19 neighborhoods and areas and control of uses that have an adverse impact on open space
20 and other recreational areas and facilities; and

21 WHEREAS, A new 5.4-acre park called the Rooftop Park is planned to be located atop
22 the Transbay Transit Center, which will be located between Mission and Howard Streets on
23 the north and south, and between Second to Beale Streets on the west and east; and

24 WHEREAS, The Rooftop Park will include an outdoor amphitheater, gardens, trails,
25 open grass areas, a children’s play space, a restaurant and a café, will be accessible from ten

1 entry points, including bridges from neighboring buildings and a gondola from a planned
2 ground-level floor of the Transbay Transit Center off Mission Street between the planned
3 Salesforce Tower and Fremont Street to be known as Mission Square, and will provide
4 needed open space in an area of the City with few parks; and

5 WHEREAS, The Transbay Joint Powers Authority has agreed to consult with
6 community stakeholders, including but not limited to the Greater Rincon Hill Community
7 Benefit District Steering Committee and the Transbay Joint Powers Citizens Advisory
8 Committee, in developing sign controls that apply to the Rooftop Park consistent with these
9 interim controls; and

10 WHEREAS, Other public parks and public open spaces may be created in the Transit
11 Center District Plan Area (“Plan Area”); and

12 WHEREAS, The Under Ramp Park is a new 4.2-acre neighborhood park planned to be
13 situated primarily under the elevated bus ramp that will provide a direct connection from the
14 new Transbay Transit Center to the Bay Bridge, of which approximately 25% will be open to
15 the sky, and which will include a children’s play area, cafes and terraces, a beer garden, and
16 a multilevel pavilion with cultural and retail programs; and

17 WHEREAS, The area between Folsom, Harrison, Essex and Second Streets is
18 adjacent to the planned site of the Under Ramp Park and to the Plan Area; and

19 WHEREAS, Illuminated signs and other signs visible from a public park or open space
20 may negatively impact the aesthetics of the park or open space and the enjoyment of its
21 users, including but not limited to interference with the natural scenery and landscape
22 afforded by the park or open space, as well as the creation of potential unwanted illumination
23 and glare; and

24 WHEREAS, Evening and nighttime illumination of signs in the Plan Area disturbs the
25 sleep of residents in the area and disrupts their general enjoyment of their homes; and

1 WHEREAS, Policy 2 of the eight priority policies of the City's General Plan and of
2 Planning Code, Section 101.1 establishes a policy "That existing housing and neighborhood
3 character be conserved and protected in order to preserve the cultural and economic diversity
4 of our neighborhoods"; and

5 WHEREAS, Policy 8 of the eight priority policies of the City's General Plan and of
6 Planning Code, Section 101.1 establishes a policy "That our parks and open space and their
7 access to sunlight and vistas be protected from development"; and

8 WHEREAS, These interim zoning controls advance and are consistent with Policies 2
9 and 8 of the Priority Policies set forth in Planning Code Section 101.1, in that they address the
10 impacts of a proposed sign on neighborhood character and existing and planned parks and
11 open spaces; and

12 WHEREAS, With respect to Priority Policies 1, 3, 4, 5, 6, and 7, the Board finds that
13 these interim zoning controls do not, at this time, have an effect upon these policies, and thus,
14 will not conflict with said policies; and

15 WHEREAS, These interim controls are intended and designed to address and
16 ameliorate the problems and conditions associated with the size, height and illumination of
17 signs in close proximity to existing and planned public parks and open spaces, and the
18 illumination of signs that adversely impact residential properties; and

19 WHEREAS, Adoption of these interim controls will allow the Board of Supervisors an
20 opportunity to consider the imposition of permanent sign controls in the Transit Center District
21 Plan Area and in the area bounded by Folsom, Harrison, Essex and Second Streets; and

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

24 WHEREAS, The Board has determined that the public interest will be best served by
25 imposition of these interim controls at this time, to ensure that the legislative scheme that may

1 be ultimately adopted is not undermined during the planning and legislative process for
2 permanent controls; and

3 WHEREAS, The Planning Department has determined that the actions contemplated in
4 this Resolution are in compliance with the California Environmental Quality Act (California
5 Public Resources Code Section 21000 *et. seq.*). Said determination is on file with the Clerk of
6 the Board of Supervisors in File No. _____ and is hereby affirmed and incorporated by
7 reference as though fully set forth herein; now, therefore, be it

8 RESOLVED, That, pursuant to Planning Code Sections 306.7 and 602.19, the City
9 hereby requires that, as of the effective date of this Resolution, the following signage controls
10 shall apply in the Plan Area and in the area bounded by Folsom, Harrison, Essex and Second
11 Streets, except for the Rooftop Park and those portions of the Plan Area that overlap with the
12 area defined as Zone 1 of the Transbay Redevelopment Plan, which portions consist of
13 certain land within the boundaries of Spear, Mission, Folsom and Second Streets:

14 (a) a new sign that is within 200 feet of an existing or planned public park or open
15 space and that is visible from such a park or open space shall be permitted if it is 50 square
16 feet or less and its highest point reaches a height of 35 feet or less; and

17 (b) illumination for any new sign, where any part of the face of the sign is between 30
18 and 100 feet in height, shall meet the following requirements:

19 (1) illumination shall consist only of indirect illumination, pursuant to Planning
20 Code Section 602.11, or halo-style lighting;

21 (2) the sign's illumination shall be dimmable; and

22 (3) illumination shall be turned off from 9 p.m. each evening until 6 a.m. the
23 following morning; and be it

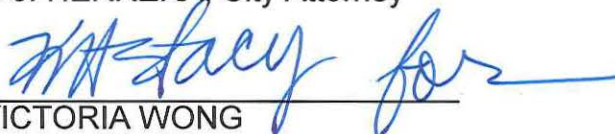
24 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
25 months from the effective date of this Resolution, or until the adoption of permanent legislation

1 regulating signage in the Plan Area and in the area bounded by Folsom, Harrison, Essex and
2 Second Streets, whichever first occurs.

3
4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA, City Attorney

6
7 By:


8 VICTORIA WONG
9 Deputy City Attorney

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