File No	160828	Committee Item No Board Item No	3	
	COMMITTEE/BOARD OF SUPERVISORS			
	ACENDA DACK	ET CONTENTS LIST		

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Committee:	Land Use and Transportation	Date _	August 1, 2016
Board of Su	pervisors Meeting	Date _	
Cmte Boaı	rd		
	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Youth Commission Report Introduction Form Department/Agency Cover Letter and Memorandum of Understanding (MO Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Vacancy Notice Information Sheet Public Correspondence	d/or Re	port
OTHER	(Use back side if additional space is	neede	d)

Completed by: Alisa Somera
Completed by:

[Interim Zoning Controls - Conditional Use Requirement and Replacement	of Production
Distribution, Repair, Institutional Community, and Arts Activities Uses]	

Resolution imposing interim controls to require replacement space and conditional use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

WHEREAS, Planning Code Section 306.7, provides for the imposition of interim zoning controls to accomplish several objectives, including among others: preservation of historic and architecturally significant buildings and areas; and development and conservation of the commerce and industry of the City in order to maintain the economic vitality of the City, to provide its citizens with adequate jobs and business opportunities, and to maintain adequate services for its residents, visitors, businesses and institutions; and

WHEREAS, San Francisco is a unique city and its character is made up of the diversity of its people and its businesses; and

WHEREAS, As outlined in San Francisco's General Plan, its density creates a rich variety of experiences and encounters on every street. The City is cosmopolitan and affable, easily traversed by foot or by bus, and offers an intriguing balance of urban architecture. San Francisco is the center and the soul of the region and cooperative efforts to maintain the area's quality of life are imperative; and

WHEREAS, The City has long been a magnet for business, culture, retailing, tourism and education. Its rich 150 year history reflects the cultures of the world and gives energetic diversity to its neighborhoods; and

WHEREAS, The residents strive to maintain this tradition, welcoming people from around the world to participate in the promise of a healthy city; and

WHEREAS, In recent years, this diversity is threatened because of the high cost of commercial real estate; and

WHEREAS, Steady increases in commercial real estate rental rates have pushed office prices to 122% above where they were five years ago to about \$70 per square foot; and

WHEREAS, The Bay Area commercial real estate markets are now the toughest in the nation; and

WHEREAS, This threatens organizations and businesses that are important to the City but find themselves unable to compete for limited commercial space in this real estate market; and

WHEREAS, Nonprofits organizations, arts organizations, and spaces for people to work in jobs that do not require high educational attainment find themselves pushed out of this market; and

WHEREAS, In a recent report commissioned by the Northern California Grantmakers Association, "Status of Nonprofit Space and Facilities," in March 2016, two out of every three nonprofits surveyed say they will have to make a decision about moving within the next five years; and

WHEREAS, Many nonprofits fear they will have to abandon part of their mission because of the economic pressure created by high real estate costs or move to new locations; and

WHEREAS, The report identifies that some of this pressure can be addressed at the local government level by using zoning to create space suitable for arts and other community organizations, turning to publicly owned property for space, and including nonprofit space in affordable housing development; and

WHEREAS, These pressures, although City-wide, are felt acutely in San Francisco's South of Market neighborhoods. Because of this, the Eastern Neighborhoods community

planning process began in 2001 with the goal of developing new zoning controls for the industrial portions of these neighborhoods; and

WHEREAS, At one time, land zoned for industrial uses covered almost the entire eastern bayfront of San Francisco, from the southern county line to well north of Market Street; and

WHEREAS, As the city's economy has transformed over time, away from traditional manufacturing and "smoke-stack" industry toward tourism, service, and "knowledge-based" functions, the city's industrial lands have shrunk steadily; and

WHEREAS, By the 1990s, land zoned for industrial uses stood at about 12% of the city's total usable land (i.e., not including parks and streets), and

WHEREAS, This period was one of strong economic growth in which the city gained thousands of new jobs and residents; and

WHEREAS, As a result, capital, business, and building activity surged into the industrial and residential Eastern Neighborhoods, south of Downtown, and

WHEREAS, While this wealth brought needed resources, it also created conflicts around the use of land. San Francisco's industrial zoning has historically been permissive - allowing residences, offices, and other uses, in addition to industrial businesses; and

WHEREAS, As part of the Eastern Neighborhoods planning process, the Planning Department conducted a series of workshops where stakeholders articulated goals for their neighborhood, considered how new land use regulations (zoning) might promote these goals, and created several rezoning options representing variations on the amount of industrial land to retain for employment and business activity; and

WHEREAS, Starting in 2005, the community planning process expanded to address other issues critical to these communities including affordable housing, transportation, parks and open space, urban design, and community facilities; and

WHEREAS, The Planning Department began working with the neighborhood stakeholders to create Area Plans for each neighborhood to articulate a vision for the future; and

WHEREAS, Based on several years of community input and technical analysis, the Eastern Neighborhoods Program calls for transitioning about half of the existing industrial areas in these four neighborhoods to mixed use zones that encourage new housing; and

WHEREAS, The other remaining half would be reserved for Production, Distribution and Repair zoning districts, where a wide variety of functions such as Muni vehicle yards, caterers, and performance spaces can continue to thrive; and

WHEREAS, In 2008, the Planning Commission and the Board of Supervisors adopted the Eastern Neighborhoods Plan; and

WHEREAS, At their core, the Eastern Neighborhoods Plans try to accomplish two key policy goals: 1) to ensure a stable future for Production, Distribution and Repair (PDR) uses in the city, mainly by reserving a certain amount of land for this purpose; and 2) to provide a significant amount of new housing affordable to low, moderate, and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents; and

WHEREAS, Because San Francisco has very limited land available, it is important to evaluate the current state of land available for PDR use and to protect PDR uses because of competing pressure from residential and office uses, which can afford to pay far more to buy and develop land; and

WHEREAS, Office tenants are willing to pay well over twice what PDR commands — creative tech space goes for \$70 a square foot in SoMa or the Inner Mission; and

WHEREAS, This leads to the loss of space critical for PDR activities and therefore the loss of jobs that result from these activities; and

WHEREAS, The Planning Department prepared a report in April 2005 on the demand for and supply of PDR in the City; and

WHEREAS, This report is known as the EPS PDR Study; and

WHEREAS, To alleviate the impact of loss of PDR uses and to revitalize PDR uses and to attract technology and biotech businesses to the City, it is necessary for the City to aggressively pursue retention of PDR and its associated job sectors; and

WHEREAS, Development that removes PDR use should have the option of replacing the lost space at a one-to-one ratio; and

WHEREAS, To accomplish this, a PDR replacement program should be established; and

WHEREAS, Policy 5 of the eight Priority Policies of the City's General Plan and Planning Code Section 101.1 establishes a policy "That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;" and

WHEREAS, The Planning Department just released the five year Eastern
Neighborhoods Monitoring Report and the Eastern Neighborhoods Citizen Advisory
Committee and the Planning Commission are currently in the process of reviewing that report which tracks development activity in the Eastern Neighborhoods; and

WHEREAS, Adoption of these interim controls will allow the Board of Supervisors time to consider whether to adopt permanent controls for Residential Mergers; and

WHEREAS, Additional Priority Policies of the City's General Plan and Planning Code Section 101.1, state "That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods" (Policy 1) and "That existing neighborhood-serving retail uses be preserved and enhanced

and future opportunities for resident employment in and ownership of such businesses enhanced" (Policy 2); and

WHEREAS, These interim zoning controls advance and are consistent with the Priority Polices set forth in Planning Code Section 101.1, particularly Policies 1, 2, and 5, in that the conditional use authorization and replacement requirement will help ensure these uses are protected from displacement and will help ensure new development projects will preserve and protect the existing neighborhood character and will preserve the cultural and economic diversity of these neighborhoods; and

WHEREAS, With respect to Priority Policies 3, 4, 6, 7, and 8, the Board finds that these interim zoning controls do not, at this time, have an effect upon these policies, and thus will not conflict with said policies; and

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

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

WHEREAS, Planning Code Section 306.7 requires consideration of the following objectives when determining whether to impose interim controls:

- (1) Preservation of historic and architecturally significant buildings and areas;
- (2) Preservation of residential neighborhoods;
- (3) Preservation of neighborhoods and areas of mixed residential and commercial uses in order to preserve the existing character of such neighborhoods and areas;
 - (4) Preservation of the City's rental housing stock;

- (5) Development and conservation of the commerce and industry of the City in order to maintain the economic vitality of the City, to provide its citizens with adequate jobs and business opportunities, and to maintain adequate services for its residents, visitors, businesses and institutions;
- (6) Control of uses which have an adverse impact on open space and other recreational areas and facilities;
- (7) Control of uses which generate an adverse impact on pedestrian and vehicular traffic; and
- (8) Control of uses which generate an adverse impact on public transit; and WHEREAS, Adoption of these interim controls will ensure that objectives 1 and 5 above are met by supporting PDR, Institutional Community Uses and Arts Activities Uses that contribute to the cultural and economic diversity of San Francisco's Eastern Neighborhoods and provide a diverse range of employment opportunities for San Francisco residents; and

WHEREAS, The Planning Department has determined that the actions contemplated in this Resolution are in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 et. seq.); and

WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in File No. 160828 and is hereby affirmed and incorporated by reference as though fully set forth; now, therefore, be it

RESOLVED, That pursuant to Planning Code Section 306.7, the Board of Supervisors, by this resolution, adopts the following controls for the following Eastern Neighborhoods Plan Areas: Mission; Eastern SoMa; Western SoMa; and, if adopted, Central SoMa; and, be it

FURTHER RESOLVED, That for purposes of these interim controls, notwithstanding any other provision of the Planning Code, conversion of building space where the prior use in such space was a PDR use of at least 5,000 square feet, an Institutional Community use of at

least 2,500 square feet, or an Arts Activities use, all as defined in Section 102, through change in use or any other removal, including but not limited to demolition of a building that is not unsound, shall require Conditional Use authorization pursuant to Planning Code Section 303 and shall be subject to the following additional requirements:

- (a) To preserve the existing stock of building space suitable for PDR, Institutional Community, and Arts Activities uses, if a project would result in conversion of building space, where the prior use in such space was PDR of at least 5,000 square feet, Institutional Community of at least 2,500 square feet, or Arts Activities use, through removal, including through demolition of a building that is not unsound, or through change of use, such space shall be replaced in compliance with the following criteria:
- (1) In the areas that, as of July 1, 2016, are zoned SALI, PDR, or C-3-G, the replacement space shall include one square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion.
- (2) In the areas that, as of July 1, 2016, are zoned UMU, MUO, or SLI, the replacement space shall include 0.75 square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion if replaced on the same property or shall include one square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion if replaced off-site.
- (3) In the areas that, as of July 1, 2016, are zoned MUG or MUR, the replacement space shall include 0.50 square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion if replaced on the same property or shall include one square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion if replaced off-site.

(4) The replacement space shall be located on the same property or, if located off-site, shall be in the same area plan area or within 1/4 mile of the property, or, if replacing PDR space off-site, in any area that is zoned for PDR as a principally permitted use.

- (5) The replacement requirements of this subsection (a) may be reduced by 0.25 for any project subject to a development agreement approved by the City under California Government Code Section 65864 et seq. if, as part of the terms of such development agreement, the required replacement space is rented, leased, or sold at 50% below market rate for such commercial space.
- (b) Definitions. For the purposes of these interim controls, the following definitions shall apply:

"Prior use" shall mean the prior permanent use and shall not include any approved temporary uses such as "pop-up" eating establishments, craft fairs, or other seasonal uses.

"Replacement space" shall mean newly developed building space and shall not include building space that was previously used for PDR, Institutional Community, or Arts Activities.

"Unsound" shall mean a building for which rehabilitation would cost 50% or more of the cost to construct a comparable building.

- (c) The amount of replacement space required under subsection (a)(1) may be reduced by the amount that is necessary to provide building entrances and exits; maintenance, mechanical, and utilities facilities; and on-site open space and bicycle facilities required under this Code; provided that no reduction shall be permitted for non-car-share vehicle parking spaces.
- (d) In determining whether to grant Conditional Use authorization, in addition to making the required findings under Section 303, the Planning Commission shall consider the suitability of the replacement space for the use proposed for conversion.

- (e) Exemptions. The following shall be exempt from the requirements of these interim controls:
- (1) Any property under the jurisdiction of the Port of San Francisco or the Recreation and Park Commission; and all Redevelopment Plan Areas in effect as of July 1, 2016.
- (2) Undeveloped property. The requirements of these interim controls shall only apply to those portions of a site that are developed with building space where the prior use in such space was PDR use of at least 5,000 square feet, an Institutional Community use of at least 2,500 square feet, or an Arts Activities use.
- (3) Any project where the PDR use, Institutional Community use, or Arts Activities use subject to conversion commenced after June 14, 2016.
- (4) Any project for which an Environmental Evaluation application was submitted to the Planning Department by June 14, 2016.
 - (5) Any public transportation project.
- (6) Any project that receives affordable housing credits associated with retention of affordable units at the South Beach Marina Apartments, pursuant to Board of Supervisors Resolution No. 197-16.
 - (7) Any project that is providing 100% affordable housing.
- (8) Any project proposing a conversion of use in a historic building pursuant to Planning Code Section 803.9(b) or (c).
- (f) These interim controls shall not authorize a change in use if the new use or uses are otherwise prohibited.

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

establishing requirements for conversion of PDR, Institutional Community and Arts Activities uses in these area plan areas.

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

By: MARLENA BYRNE
Deputy City Attorney

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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

July 27, 2016

File No. 160828

Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Jones:

On July 19, 2016, Supervisor Cohen introduced the following proposed legislation:

File No. 160828

Resolution imposing interim controls to require replacement space and conditional use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use; 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, pursuant to Planning Code 306.7.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

Attachment

c: John Rahaim, Director, Planning Department Scott Sanchez, Planning Department AnMarie Rodgers, Planning Department Aaron Starr, Planning Department 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 olgitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
su=Environmental Planning,
mall=Joy.navarete@sfg.ov.org, c=US
Date: 2016.07.28 14:27:37 -07'00'



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

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation 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, August 1, 2016

Time:

1:30 p.m.

Location:

Legislative Chamber, Room 250, located at City Hall

1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject:

File No. 160828. Resolution imposing interim controls to require replacement space and conditional use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use; 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 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, July 29, 2016.

Angela Calvillo Clerk of the Board

DATED: July 22, 2016

MAILED/POSTED: July 22, 2016 PUBLISHED: July 24, 2016



City Hall

1 Dr. Ca. B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No 554-5184
Fax No. 554-5163
TTD/TTY No. 5545227

NOTIFICACIÓN DE AUDIENCIA PÚBLICA

JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SANFRANCISCO

COMITÉ DE USO DE TERRENOS Y TRANSPORTE

Fecha:

Lunes, 1.º de agosto de 2016

Hora:

1:30 p.m.

Lugar:

Cámara Legislativa, Sala 250 del Ayuntamiento

1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Asunto:

Expediente Núm. 160828. Resolución para imponer controles provisionales con el propósito de requerir espacio de reemplazo y la autorización de uso condicional en cuanto a la conversión de Usos relacionados a la Producción, Distribución, y Reparación, el Uso de Comunidades Institucionales y el Uso de Actividades en las Artes; realiza conclusiones medioambientales, incluso conclusiones

coherentes con las ocho políticas prioritarias del Código de

Planeamiento, Sección 101.1.

Angela Calvillo,

Secretaria de la Junta



City Hall

1 Dr. Cai B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No 554-5184
Fax No. 554-5163
TTD/TTY No. 5545227

公聽會通知

三藩市市及縣市參事委員會土地使用與交通運輸委員會

日期:

2016年8月1日星期一

時間:

下午1時30分

地點:

市政廳,立法會議廳 250 室,1 Dr. Carlton B. Goodlett Place, San

Francisco, CA 94102

議題:

檔案號碼 160828。 決議擬施加臨時管制旨在要求予以生産、分配及維修用地、機構式社區用地以及文藝活動用地改建工程提供替換用地及條件性使用授權; 並作出環境性裁斷,包括與規劃法規第101.1條的

八項優先政策相一致的有關裁斷。

Angela Calvillo 市參事委員會書記

日期: July 22, 2016

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

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Ad Description

AS - 08.01.16 Land Use - 160828

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EXM# 2907255

EXM# 2907255

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND CUNTY OF SAN FRANCISCO
LAND USE AND TRANS-PORTATION COMMITTEE MONDAY, AUGUST 1, 2016

-1:30 PM
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL
1 DR. CARLTON B.
GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation 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. 160828. Resolution imposing them controls to require 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):

07/24/2016

07/24/2016

07/24/2016

07/24/2016

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. The submit of the Deficiency of the bearing the made part of the official public record in this matter, and shall be brought to the attend nor of the members of the Committee. Written attention of the Board. Question for members of the Committee. Written attention of the members of the Committee with the Cirk of the Board. Question th



Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):	or meeting date
□ 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 fo Small Business Commission Youth Commission Ethics C	llowing: ommission
☐ Planning Commission ☐ Building Inspection Comm	nission
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Impera	ative
Sponsor(s):	
Cohen	·
Subject:	
Interim zoning controls - Conditional Use Requiring Replacement of Production, Distributio Community and Arts Activities Uses	n, Repair, Institutional
The text is listed below or attached:	
Attached	
MAN.	
Signature of Sponsoring Supervisor:	Me.
For Clerk's Use Only:	

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