

File No. 161095

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date November 28, 2016

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 19730</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Notice of Public Hearings</u> |
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Completed by: Alisa Somera Date November 23, 2016

Completed by: _____ Date _____

1 [Planning Code, Zoning Map - 1493-1497 Potrero Avenue]

2
3 **Ordinance amending the Planning Code to revise Sectional Map HT08 of the Zoning**
4 **Map to rezone the height and bulk designation for 1493-1497 Potrero Avenue,**
5 **Assessor's Parcel Block No. 4277, Lot No. 016, from Open Space (OS) to 40-X; affirming**
6 **the Planning Department's determination under the California Environmental Quality**
7 **Act; making findings of consistency with the General Plan, and the eight priority**
8 **policies of Planning Code, Section 101.1; and adopting findings of public convenience,**
9 **necessity, and welfare under Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. 161095 and is incorporated herein by reference. The Board affirms
23 this determination.

24 (b) On September 8, 2016, the Planning Commission, in Resolution No. 19730, adopted
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the
City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 161095, and is incorporated herein by reference.

3

4 Section 2. The Planning Code is hereby amended by revising Sectional Map HT08 of
5 the Zoning Map of the City and County of San Francisco as follows:

6

<u>Description of Property</u>	<u>Height & Bulk District to be Superseded</u>	<u>Height and Bulks District here by Approved</u>
Block 4277, Lot 016	OS (Open Space)	40-X

9


10

11 Section 3. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15

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

18

19 By: 
20 JUDITH A. BOYAJIAN
Deputy City Attorney

21

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22

23

24

25



SAN FRANCISCO PLANNING DEPARTMENT

October 12, 2016

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: **Transmittal of Planning Department Case Number 2015-014314MAP:
Height Rezoning of 1493-1497 Potrero Avenue
Board File No. TBD
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo,

On September 8, 2016, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider an ordinance proposed by a member of the public that would amend the Planning Code to revise Section Map HT08 of the Zoning Map to rezone the Height and Bulk Designation for 1493-1497 Potrero Avenue, Block 4277, Lot 16, from OS (Open Space) to 55-X. At the hearing the Planning Commission recommended approval with modifications.

The Commission's proposed modifications were as follows:

- Rezone the property's height and bulk designation from OS to 40-X.

The Commission's modifications have already been integrated into the proposed Ordinance.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. The signed redlined version of the ordinance along with two copies will also be delivered to your office tomorrow. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 OCT 13 PM 2:32
BY [Signature]

Transmittal Materials

**CASE NO. 2015-014314MAP
Height Rezoning of 1493-1497 Potrero Avenue**

cc:

Judith A. Boyajian, Deputy City Attorney
Andrea Ausberry, Office of the Clerk of the Board
John Carroll, Legislative Clerk

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment HEARING DATE: SEPTEMBER 8, 2016 EXPIRATION DATE: N/A

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Height Rezoning of 1493-1497 Potrero Avenue
Case Number: 2015-014314MAP [Board File No. TBD]
Initiated by: Jim Abrams
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Approval with Modifications

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to revise Section Map HT08 of the Zoning Map to rezone the Height and Bulk Designation for 1493-1497 Potrero Avenue, Block 4277, Lot 16, from OS (Open Space) to 55-X.

The Way It Is Now:

1493-1497 Potrero Avenue is currently zoned MUR (Mixed Use Residential) with a Height and Bulk designation of OS (Open Space).

The Way It Would Be:

1493-1497 Potrero Avenue would be zoned MUR (Mixed Use Residential) with a Height and Bulk designation of 55-X.

BACKGROUND

Continued From July 28 Hearing

This rezoning was continued from the Commission's July 28th hearing at the request of the Recreation and Parks Department, which owns property directly adjacent to the subject property. Since then, Planning Staff has discussed the proposed rezoning with Recreation and Parks Department Staff and explained the history of the property's rezoning, and the rationale for the Department's recommendation. In response, the Recreation and Parks Department sent a letter about the proposed rezoning, which is attached to this packet and labeled as Exhibit D.

Easter Neighborhoods Rezoning

On December 19, 2008 then Mayor, Gavin Newsom, signed the Easter Neighborhoods Rezoning ordinance (Board File 081154), which amended Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the Planning Code. These amendments revised use and height-and-bulk districts within the four Eastern Neighborhoods Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans. Included in this rezoning was the

subject property, which was zoned M-1/40-X prior to this rezoning (See Exhibit B). The ordinance rezoned the subject property to MUR/OS.

The Department believes that the OS designation was a mistake and that the 40-X designation should have been maintained. The OS designation is reserved for properties that are zoned P (Public) and intended to be used as open space. Further, at the same time the property's height and bulk designation was changed to OS, the property's zoning was changed to MUR.

ISSUES AND CONSIDERATIONS

Property Location and Description

1493-1497 Potrero is located at the north east intersection of Potrero and Caesar Chavez, next to an elevated maze of roadways. The subject property is also located within the Showplace Square/Potrero Area Plan. 1493 Potrero is currently developed with a one-story industrial type building constructed in 1963. Based on the Department records, the property contains two residential units in addition to a public assembly space. The only active permit is one to obtain final inspection for work approved under a permit from 1988, which was issued to renovate the kitchen and bathrooms in the two residential units on site. There was also a project review meeting back in 2010 to discuss the potential development opportunities on this site, but there is no other active planning application for this site.

The property is directly adjacent to the Potrero del Sol Park and an community garden, which sits to the property's north. Across the street there is also another park, which is used as a baseball diamond. Other than the adjacent park and farm, which are zoned P/OS, all of the other surrounding properties on this block are zoned MUR/40-X.

Future Development

As of now, there is no proposal to develop the subject site. A 40-X height and bulk designation does guarantee that the property owner will be able to realize the properties entire buildable envelope. Any proposed development will still be required to go through the Planning Department's review process and all new construction or enlargement of the building's existing envelope would require 312 Neighborhood Notification; therefore, if a project is proposed, the Recreation and Parks Department would receive notice and the community would have an opportunity to engage the developer on the design.

IMPLEMENTATION

The Department has determined that this ordinance will not impact our current implementation procedures.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may adopt or reject the proposed initiation.

RECOMMENDATION

The Department recommends that the Commission recommend approval with modification. The proposed modification includes:

- Adopt a height and bulk limit of 40-X instead of 55-X.

BASIS FOR RECOMMENDATION

The Department supports the proposed ordinance because it will allow an error in the City's zoning map to be corrected. The subject property is privately owned and currently developed with a one-story industrial type building. The rezoning of the subject parcel from 40-X to OS was clearly an error, likely caused by the property's adjacency to the Potrero Del Sol Park. However, the Department does not find that an increase in the height beyond 40 feet is warranted. This property was previously zoned 40-X and the adjacent properties are either zoned 40-X or for Open Space. In addition, the adjacency to a park and community garden further recommends against a 55-X designation for this site.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

The Planning Department has received several emails about his proposed rezoning, which are attached as Exhibit E. Most of the emails express concern over the impacts that the proposed height increase will have on the adjacent community garden. The Department also received an email from Sue Hestor who commented that the site is inaccessible for pedestrians and dangerous to walk to. She did not comment on the proposed height change.

RECOMMENDATION:	Approval with Modifications
------------------------	------------------------------------

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Excerpt from Board File 081154
- Exhibit C: Parcel Map, Height Map, Sanborn Map and Picture of Subject Property
- Exhibit D: Letter form the Recreation and Parks Department
- Exhibit E: Public Comment Emails
- Exhibit F: Draft Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19730

Project Name: Height Rezoning of 1493-1497 Potrero Avenue
Case Number: 2015-014314MAP [Board File No. TBD]
Initiated by: Jim Abrams
Staff Contact: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

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Suite 400
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD THE PLANNING CODE TO REVISE SECTION MAP HT08 OF THE ZONING MAP TO REZONE THE HEIGHT AND BULK DESIGNATION FOR 1493-1497 POTRERO AVENUE, BLOCK 4277, LOT 16, FROM OS (OPEN SPACE) TO 55-X; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on or around October 27, 2015, Jim Abrams submitted an application to rezone Assessor Block 4277, Lot 16 from OS (Open Space) to 55-X;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on June 2, 2016; and,

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 8, 2016; and,

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and,

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Eastern Neighborhoods Rezoning (Board File 081154) rezoned the subject property from M-1/40-X to MUR/OS; the Planning Commission believes that the OS designation was a mistake and that the 40-X designation should have been maintained.
2. The Commission finds that the proposed ordinance will allow an error in the City's zoning map to be corrected.
3. The Commission finds that an increase in the height beyond 40 feet is not warranted. This property was previously zoned 40-X and the adjacent properties are either zoned 40-X or for Open Space. In addition, the adjacency to a park and community garden further recommends against a 55-X designation for this site.
4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

OPEN SPACE ELEMENT

OBJECTIVE 1

ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM

Policy 1.1

Preserve existing open space by restricting its conversion to other uses and limiting encroachment from other uses, assuring no loss of quantity or quality of open space.

Policy 1.9

Preserve sunlight in public open spaces.

The ordinance with the Commission's proposed modifications will ensure that the quality of and light access to the adjacent open space will be preserved.

Showplace Square/Potrero Area Plan

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REFLECTS SHOWPLACE SQUARE AND POTRERO HILL'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

Policy 3.1.1

Adopt heights that are appropriate for Showplace Square's location in the city, the prevailing street width and block pattern, and the anticipated land uses, while respecting the residential character of Potrero Hill.

Policy 3.1.2

Development should respect the natural topography of Potrero Hill.

The proposed ordinance with the Commission's modifications will respect the residential character and natural topography of the Potrero Hill neighborhood.

5. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

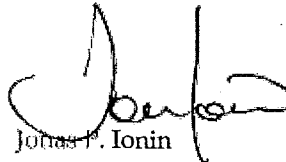
The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 8, 2016.


Jonathan P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Richards, and Moore

NOES: None

ABSENT: None

ADOPTED: September 8, 2016

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 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:

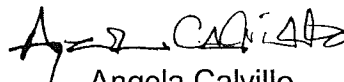
Date: Monday, November 28, 2016

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. 161095. Ordinance amending the Planning Code to revise Sectional Map HT08 of the Zoning Map to rezone the height and bulk designation for 1493-1497 Potrero Avenue, Assessor's Parcel Block No. 4277, Lot No. 016, from Open Space (OS) to 40-X; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

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 B. 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 Wednesday, November 23, 2016.


Angela Calvillo
Clerk of the Board

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Alisa Somera
CCSF 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 AS - 11.28.16 Land Use - 161095 Zoning Map

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):

11/18/2016

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.

EXM# 2947114
NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, NOVEMBER 28, 2016 - 1:30 PM
CITY HALL, LEGISLATIVE CHAMBER, ROOM 250
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. 161095. Ordinance amending the Planning Code to revise Sectional Map HT08 of the Zoning Map to rezone the height and bulk designation for 1493-1497 Potrero Avenue, Assessor's Parcel Block No. 4277, Lot No. 016, from Open Space (OS) to 40-X; affirming the Planning Department's determination under the California Environmental Quality Act making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302. 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 B. 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 Wednesday, November 23, 2016. - Angela Calvillo, Clerk of the Board



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