File No. 161014 Committee Item No. 3
Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation **Date** May 1, 2017

Board of Supervisors Meeting **Date** May 9, 2017

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Completed by: Alisa Somera **Date** April 28, 2017
Completed by: Alisa Somera **Date** May 4, 2017

FILE NO. 161014 AMENDED IN COMMITTEE 5/1/2017 ORDINANCE NO.

[Planning Code - Exempting Certain Historic Landmarks from Requirement to Obtain Conditional Use and Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses]

Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, Section 101.1.

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

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 1610141 and is incorporated herein by reference. The Board affirms this determination.

(b) On January 19, 2017, the Planning Commission, in Resolution No. 19837, adopted 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 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 1610141, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that the Planning Code and Zoning Map amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19837, and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 202.8, to read as follows:

SEC. 202.8. LIMITATION ON CONVERSION OF PRODUCTION, DISTRIBUTION, AND REPAIR USE, INSTITUTIONAL COMMUNITY USE, AND ARTS ACTIVITIES USE.

The following controls shall apply in the following Eastern Neighborhoods Plans Areas: Mission; Eastern SoMa; Western SoMa; and, if adopted, Central SoMa. Notwithstanding any other provision of this Code, conversion of building space where the prior use in such space was a Production, Distribution, and Repair (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 be subject to the following requirements:

(a) To preserve the existing stock of building space suitable for PDR, Institutional Community, and Arts Activities uses, such conversion shall, if located within the following zoning districts, require conditional use authorization under Section 303 and the space proposed for conversion shall be replaced in compliance with the following criteria:

(1) In the areas that, as of July 1, 2016, are zoned SALI, 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.

(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.

(4) For any project located in the areas that, as of July 1, 2016, are zoned SALI, UMU, MUO, SLI, MUG, or MUR, that would convert at least 15,000 square feet of PDR, Institutional Community, or Arts Activities use, and for which an Environmental Evaluation application was submitted to the Planning Department by June 14, 2016, the replacement space shall include 0.4 square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion. Notwithstanding the foregoing sentence, should the Board of Supervisors overturn any such project's environmental review on appeal, such project shall provide replacement space as required by subsections (a)(1), (2), or (3) above, as applicable.

(5) The replacement requirements of subsections (a)(1), (2), (3), and (4) may be reduced by 0.25 *square feet (e.g. a 1:1 replacement requirement becomes a 1:0.75 replacement requirement)* for any project subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), including but not limited to a development agreement approved by the City under California Government Code Section 65864 et seq. if, as part of the terms of such agreement, the required replacement space is rented, leased, or

sold at 50% below market rate for such commercial space for a period of not less than 55 years and is subject to a deed restriction.

(6) Replacement space for PDR and Arts Activities use may be used for either PDR or Arts Activities use, regardless of which of those uses is proposed for conversion. Replacement space for Institutional Community use shall be used for Institutional Community use.

(b) **Definitions.** For the purposes of this Section 202.8, the following definitions shall apply:

"Prior use" shall mean the prior permanent and permitted 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 to comply with City Codes for continued use as PDR, Institutional Community, or Arts Activities use, as applicable, 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) **Undeveloped property.** The requirements of this Section 202.8 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.

(e) 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.

(f) **Exemptions**. The following shall be exempt from the requirements of this Section 202.8:

(1) Any property under the jurisdiction of the Port of San Francisco or the Recreation and Park Commission; all Redevelopment Plan Areas in effect as of July 1, 2016; and any parcel zoned P (Public) on or after July 1, 2016.

(2) Any project where the PDR use, Institutional Community use, or Arts Activities use subject to conversion commenced after June 14, 2016.

(3) Any project that has been approved by the Planning Department or Planning Commission by June 14, 2016, provided that, if subsequently appealed, such approval is upheld.

(4) Any project that would convert less than 15,000 square feet of PDR, Institutional Community, or Arts Activities use and 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 where all of the residential units with the exception of the manager's unit are affordable housing units, as that term is defined in Section 406(b)(1). If feasible, such projects shall make efforts to replace any converted PDR, Institutional Community, and Arts Activities uses.

(8) Any property in the Western SoMa Plan Area if the actual use functioning on the property as of September 8, 2014, as determined by the Zoning Administrator, was principally permitted, and not a PDR, Institutional Community, or Arts Activities use, such that a legal conversion could have been approved prior to October 9, 2014. This exemption applies only to conversions of uses smaller than 25,000 square feet.

(9) Any project that proposes to convert no more than 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places as of July 1, 2016 *and that no more than 49,999 square feet is converted to office use. Additionally, any such project that is also subject to a contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), which, as part of the terms of such contract or agreement, rents, leases, or sells at 50% below market rate the property's remaining PDR, Institutional Community, or Arts Activities space, may convert an additional 25% of the property's PDR, Institutional Community, or Arts Activities space exempt from the requirements of this Section 202.8, for a total of 75% exempted conversion. The City department negotiating the contract or agreement shall determine the market rate using accepted best practices for this purpose. Such below market rate rental, lease, or sale shall be for a period of not less than 55 years and subject to a deed restriction. The exemptions set forth in this subsection 202.8(f)(9) may be approved through multiple project applications so long as no more than a total of 50% (or 75% if restricting the commerical rent of the property as set forth herein) of the property's PDR, Institutional Community, or Arts Activities space is converted under this exemption.*

(g) This Section 202.8 shall not authorize a change in use if the new use or uses are otherwise prohibited.

(h) **In Lieu Fee and Off-Site Replacement.** The Board of Supervisors may enact an ordinance adopting an in lieu fee and/or *regulating* ~~*an*~~ off-site replacement ~~*option to meet the*~~

~~*replacement requirements set forth in subsection (a)*~~. The proceeds from any such in lieu fee shall be used for the preservation and rehabilitation of existing PDR, Institutional Community, and Arts Activities spaces in the area plan area where the project paying the fee is located.

(i) The Board of Supervisors by ordinance and by at least a two-thirds vote of all its members may amend this Section 202.8 at any time after its effective date.

Section 3. Background and Two-Thirds Vote Approval Requirement.

(a) On August 2, 2016, the Board of Supervisors approved Motion No. M16-105, ordering an initiative ordinance entitled "Initiative Ordinance - Planning Code - Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses," be submitted to the voters at the November 8, 2016 general election. Motion No. M16-105, including the initiative ordinance, is found in Board File No. 160698. The initiative ordinance was designated Proposition X on the November 8, 2016, ballot.

(b) Proposition X added Section 202.8 to the Planning Code. Subsection 202.8(i) provides that the Board of Supervisors "by ordinance and by at least a two-thirds vote of all its members" may amend Section 202.8 "at any time after its effective date." This ordinance amends Section 202.8.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: _____
MARLENA BYRNE
Deputy City Attorney

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FILE NO. 161014

REVISED LEGISLATIVE DIGEST

(5/1/2017, Amended in Committee)

[Planning Code - Exempting Certain Historic Landmarks from Conditional Use Authorization Requirement to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses]

Ordinance amending Planning Code Section 202.8, included in the November 8, 2016 general election as Proposition X, to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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 Section 101.1.

Existing Law

Planning Code Section 202.8 requires conditional use authorization and replacement space for removal through conversion or demolition of Production, Distribution, and Repair (PDR), Institutional Community, and Arts Activities uses in certain South of Market zoning districts.

Subsection 202.8(i) provides that the Board of Supervisors "by ordinance and by at least a two-thirds vote of all its members" may amend Section 202.8 "at any time after its effective date." This ordinance amends Section 202.8.

Amendments to Current Law

The proposed legislation would exempt a project from the need to obtain a conditional use permit under Section 202.8(a) and to replace any removed PDR, Institutional Community, or Arts Activities if:

1. No more than 50% of the property's PDR, Institutional Community, or Arts Activities space is converted; and

2. The space to be converted is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places as long as the building was designated or listed on or before July 1, 2016.

Additionally, any project that meets the above two requirements and also includes a contract or agreement with the City meeting the requirements of California Civil Code Section 1954.28(d) (such as, for example, a development agreement), which, as part of the terms of that contract, rents, leases, or sells at 50% below market rate the property's remaining PDR,

Institutional Community, or Arts Activities space, may convert an additional 25% of the property's PDR, Institutional Community, or Arts Activities space.

Background Information

On August 2, 2016, the Board of Supervisors approved Motion No. M16-105, ordering an initiative ordinance entitled "Initiative Ordinance - Planning Code - Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses," be submitted to the voters at the November 8, 2016 general election. Motion No. M16-105, including the initiative ordinance, is found in Board File No. 160698. The initiative ordinance was designated Proposition X on the November 8, 2016, ballot. Proposition X added Section 202.8 to the Planning Code.

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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

September 27, 2016

File No. 161014

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 20, 2016, Supervisor Kim introduced the following proposed legislation:

File No. 161014

Ordinance amending Planning Code, Section 202.8, included in the November 8, 2016, General Election as Proposition X, to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Not defined as a project under CEQA Section 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning, ou=Environmental Planning, email=joy.navarrete@sfgov.org, c=US
Date: 2016.10.20 14:52:22 -07'00'

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

February 14
~~January 31,~~ 2017

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

Re: **Transmittal of Planning Department Case Number 2016-013035PCA: Exempting Certain Historic Landmarks from November 2016 Ballot Measure Requiring Conditional Use Authorization to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses**
Board File No. 161014
Planning Commission Recommendation: ***Approval with Modification***
Historic Preservation Commission Recommendation: ***Approval with Modification***

Dear Ms. Calvillo and Supervisor Kim,

On January 18, 2017, the Historic Preservation Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would exempt certain historic landmarks from the November 2016 ballot measure requiring Conditional Use authorization to replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, introduced by Supervisor Kim. At the hearing the Historic Preservation Commission recommended approval with modification.

The Historic Preservation Commission's proposed modifications were as follows:

1. Modify subsection 202.8(f)(9) of the proposed Ordnance to make clarifications to ease implementation, including the following:
   a. Clarify that the City Agency negotiating the Development Agreement will make the determination of market rate for projects proposing additional conversion;
   b. Clarify that the First Certificate of Occupancy shall be the milestone or document used to determine the 10 year limit on the use of the proposed exemptions; and
   c. Clarify that a property may reduce up to 75% of its PDR, IC or Arts Activities spaces exempt from the requirements of Section 202.8.

(f)(9) Any project that proposes to convert no more than 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places. Additionally, any such project that is also subject to a contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), which, as part of the terms of such contract or agreement, rents, leases, or sells at 50% below market rate the property's

remaining PDR, Institutional Community, or Arts Activities space, may convert an additional 25% of the property's PDR, Institutional Community, or Arts Activities space exempt from the requirements of this Section 202.8, for a total of 75% of its PDR, Institutional Community, or Arts Activities space exempted from the requirements of this Section 202.8. The public agency negotiating the contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) shall determine the market rate using accepted best practices for this purpose. Such below market rate rental, lease, or sale shall be for a period of not less than 55 years and subject to a deed restriction. The exemptions set forth in this subsection 202.8(f)(9) may be used no more than once every 10 years per property, with the date of the first Certificate of Occupancy for the permit application for conversion establishing the start of the 10 year period.

2. Modify subsection 202.8(a)(5) to add the term "square feet" to clarify allowed reduced replacement amounts for projects subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) and renting, leasing or selling required replacement space at 50% below market rate:

   (a)(5) The replacement requirements of subsection (a)(1), (2), (3), and (4) may be reduced by 0.25 *square feet* for any project subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), including but not limited to a development agreement approved by the City under California Government Code Section 65864 et seq. if, as part of the terms of such agreement, the required replacement space is rented, leased, or sold at 50% below market rate for such commercial space for a period of not less than 55 years and is subject to deed restriction.

On January 19, 2017, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would exempt certain historic landmarks from the November 2016 ballot measure requiring Conditional Use authorization to replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, introduced by Supervisor Kim. At the hearing the Planning Commission recommended approval with modification.

The Planning Commission's proposed modifications included the Historic Preservation Commission's proposed modifications as well as the following:

1. Modify the Ordinance to limit the proposed exemption to conversions of certain sizes in identified landmark buildings designated under Article 10 or individually listed on the National Register of Historic Places.

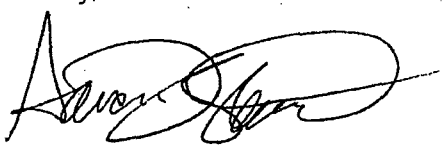
   (f)(9) Any project that proposes to convert the lesser of 49,999 square feet or ~~no more than~~ 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places as of July 1, 2016...

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.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Aaron D. Starr
Manage of Legislative Affairs

cc:
Marlena Byrne, Deputy City Attorney
April Ang, Aide to Supervisor Kim
Alisa Somera, Office of the Clerk of the Board

Attachments:
Historic Preservation Commission Resolution
Planning Commission Resolution
Planning Department Executive Summary

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Resolution No. 19837

HEARING DATE: JANUARY 19, 2017

Project Name:	**Exempting Certain Historic Landmarks from November 2016 Ballot Measure Requiring Conditional Use Authorization to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses**
Case Number:	**2016-013035PCA** [Board File No. 161014]
Initiated by:	Supervisor Kim / Introduced September 20, 2016
Staff Contact:	Diego R Sánchez, Legislative Affairs diego.sanchez@sfgov.org, 415-575-9082
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 202.8, INCLUDED IN THE NOVEMBER 8, 2016, GENERAL ELECTION AS PROPOSITION X, TO EXEMPT CERTAIN DESIGNATED HISTORIC LANDMARKS FROM OBTAINING CONDITIONAL USE AUTHORIZATION TO REMOVE CERTAIN PRODUCTION, DISTRIBUTION, AND REPAIR, INSTITUTIONAL COMMUNITY, AND ARTS ACTIVITIES USES, AND PROVIDING REPLACEMENT SPACE FOR SUCH USES; 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 September 20, 2016 Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 161014, which would amend Planning Code Section 202.8, included in the November 8, 2016, General Election as Proposition X, to exempt certain designated historic landmarks from obtaining Conditional Use Authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement spaces for such uses;

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

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15378; 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.

The modifications include:

1. Modify subsection 202.8(f)(9) of the proposed Ordnance to make clarifications to ease implementation, including the following:
   a. Clarify that the City Agency negotiating the Development Agreement will make the determination of market rate for projects proposing additional conversion;
   b. Clarify that the First Certificate of Occupancy shall be the milestone or document used to determine the 10 year limit on the use of the proposed exemptions; and
   c. Clarify that a property may reduce up to 75% of its PDR, IC or Arts Activities spaces exempt from the requirements of Section 202.8.

   (f)(9) Any project that proposes to convert no more than 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places. Additionally, any such project that is also subject to a contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), which, as part of the terms of such contract or agreement, rents, leases, or sells at 50% below market rate the property's remaining PDR, Institutional Community, or Arts Activities space, may convert an additional 25% of the property's PDR, Institutional Community, or Arts Activities space exempt from the requirements of this Section 202.8, for a total of 75% of its PDR, Institutional Community, or Arts Activities space exempted from the requirements of this Section 202.8. The public agency negotiating the contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) shall determine the market rate using accepted best practices for this purpose. Such below market rate rental, lease, or sale shall be for a period of not less than 55 years and subject to a deed restriction. The exemptions set forth in this subsection 202.8(f)(9) may be used no more than once every 10 years per property, with the date of the first Certificate of Occupancy for the permit application for conversion establishing the start of the 10 year period.

2. Modify subsection 202.8(a)(5) to add the term "square feet" to clarify allowed reduced replacement amounts for projects subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) and renting, leasing or selling required replacement space at 50% below market rate:

   (a)(5) The replacement requirements of subsection (a)(1), (2), (3), and (4) may be reduced by 0.25 *square feet* for any project subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), including but not limited to a development agreement approved by the City under California Government Code Section 65864 et seq. if, as part of the terms of such agreement, the required replacement space is rented, leased, or sold at 50% below

market rate for such commercial space for a period of not less than 55 years and is subject to deed restriction.

3. Modify the Ordinance to limit the proposed exemption to conversions of certain sizes in identified landmark buildings designated under Article 10 or individually listed on the National Register of Historic Places.

(f)(9) Any project that proposes to convert the lesser of 49,999 square feet or ~~no more than~~ 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places as of July 1, 2016...

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. Neighborhoods benefit when older buildings are renovated and actively used. This can be done by loosening restrictions on the conversion of existing PDR, Institutional Community or Arts Activities spaces in those buildings. When this is coupled with an opportunity to create PDR, Institutional Community or Arts Activities spaces leased or sold below market rates, a beneficial synergy arises that enriches the neighborhood fabric and economy.

2. Limits to the conversions of existing PDR, Institutional Community or Arts Activities spaces for the purposes of facilitating the adaptive re-use of historic buildings are also prudent given the value of existing PDR, Institutional Community or Arts Activities spaces. Regulations that strike a balance between the need to adaptively reuse older buildings and the need to retain PDR, Institutional Community or Arts Activities spaces best serve the City's interests in these matters.

3. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers

Because the proposed Ordinance maintains a PDR retention requirement and includes a path to create PDR spaces leased or sold at below market rates, the Ordinance promotes employment opportunities for unskilled and semi-skilled workers.

OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.11
Maintain an adequate supply of space appropriate to the needs of incubator industries

The proposed Ordinance creates a mechanism to create PDR, Institutional Community and Arts Activities spaces rented at below market rates. These can augment the supply of existing spaces used as business incubators.

MISSION AREA PLAN

OBJECTIVE 8.2
PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE MISSION PLAN AREA.

Policy 8.2.3
Promote and offer incentives for the rehabilitation and adaptive reuse of historic buildings in the Mission plan area.

The proposed Ordinance will facilitate the adaptive reuse of historic buildings by loosening restrictions on the conversion of specific uses in these buildings. This can allow new uses in these buildings which then subsidize any renovations required for the adaptive reuse.

OBJECTIVE 8.3
ENSURE THAT HISTORIC PRESERVATION CONCERNS CONTINUE TO BE AN INTEGRAL PART OF THE ONGOING PLANNING PROCESSES FOR THE MISSION PLAN AREA AS THEY EVOLVE OVER TIME.

Policy 8.3.6
Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives.

The proposed Ordinance will revise an existing land use regulation in a manner that will facilitate the adaptive reuse of historic buildings in the Mission Area Plan.

EAST SOMA AREA PLAN

OBJECTIVE 8.2
PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE EAST SOMA AREA PLAN.

Policy 8.2.3
Promote and offer incentives for the rehabilitation and adaptive reuse of historic buildings in the East SoMa area plan.

The proposed Ordinance will facilitate the adaptive reuse of historic buildings by loosening restrictions on the conversion of specific uses in these buildings. This can allow new uses in these buildings which then subsidize any renovations required for the adaptive reuse.

OBJECTIVE 8.3
ENSURE THAT HISTORIC PRESERVATION CONCERNS CONTINUE TO BE AN INTEGRAL PART OF THE ONGOING PLANNING PROCESSES FOR THE EAST SOMA PLAN AREA AS THEY EVOLVE OVER TIME

Policy 8.3.6
Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives.

The proposed Ordinance will revise an existing land use regulation in a manner that will facilitate the adaptive reuse of historic buildings in the East SOMA Area Plan.

WESTERN SOMA AREA PLAN
OBJECTIVE 5.1
REINFORCE THE DIVERSITY OF THE EXISTING BUILT FORM AND THE WAREHOUSE, INDUSTRIAL AND ALLEY CHARACTER.

Policy 5.1.3
Encourage and support the preservation and adaptive re-use of historic and social heritage neighborhood resources.

The proposed Ordinance will facilitate the adaptive reuse of historic buildings by loosening existing restrictions on the conversion on specific uses. This will allow the introduction of other uses which can subsidize any required renovations or maintenance.

4. **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 because the Ordinance deals with allowed conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

   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 can have a positive effect on the existing neighborhood character and can help preserve economic diversity of the City's neighborhoods because it creates a path to adaptively reuse historic buildings while retaining and in certain instances creating new light industrial, Institutional Community and Arts Activities uses.

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 because it concerns itself with the conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

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 because it concerns itself with the conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

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 will assure that the City maintains a diverse economic base by maintaining a PDR retention requirement and by creating a path to produce new PDR spaces.

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 can have a beneficial effect on the City's Landmarks and historic buildings as it loosens land use regulations that can support future investment and adaptive reuse of these 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 because it concerns itself with the conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

5. **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.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 19, 2017.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards,

NOES: None

ABSENT: Fong

ADOPTED: January 19, 2017

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Historic Preservation Commission
Resolution No. 840
HEARING DATE: JANUARY 18, 2017

Project Name:	**Exempting Certain Historic Landmarks from November 2016 Ballot Measure Requiring Conditional Use Authorization to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses**
Case Number:	2016-013035PCA [Board File No. 161014]
Initiated by:	Supervisor Kim / Introduced September 20, 2016
Staff Contact:	Diego R Sánchez, Legislative Affairs diego.sanchez@sfgov.org, 415-575-9082
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 202.8, INCLUDED IN THE NOVEMBER 8, 2016, GENERAL ELECTION AS PROPOSITION X, TO EXEMPT CERTAIN DESIGNATED HISTORIC LANDMARKS FROM OBTAINING CONDITIONAL USE AUTHORIZATION TO REMOVE CERTAIN PRODUCTION, DISTRIBUTION, AND REPAIR, INSTITUTIONAL COMMUNITY, AND ARTS ACTIVITIES USES, AND PROVIDING REPLACEMENT SPACE FOR SUCH USES; 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 September 20, 2016 Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 161014, which would amend Planning Code Section 202.8, included in the November 8, 2016, General Election as Proposition X, to exempt certain designated historic landmarks from obtaining Conditional Use Authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement spaces for such uses;

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

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15378; and

WHEREAS, the 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 Commission has reviewed the proposed Ordinance; and

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

The modifications include:

1. Modify subsection 202.8(f)(9) of the proposed Ordnance to make clarifications to ease implementation, including the following:
   a. Clarify that the City Agency negotiating the Development Agreement will make the determination of market rate for projects proposing additional conversion;
   b. Clarify that the First Certificate of Occupancy shall be the milestone or document used to determine the 10 year limit on the use of the proposed exemptions; and
   c. Clarify that a property may reduce up to 75% of its PDR, IC or Arts Activities spaces exempt from the requirements of Section 202.8.

   (f)(9) Any project that proposes to convert no more than 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places. Additionally, any such project that is also subject to a contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), which, as part of the terms of such contract or agreement, rents, leases, or sells at 50% below market rate the property's remaining PDR, Institutional Community, or Arts Activities space, may convert an additional 25% of the property's PDR, Institutional Community, or Arts Activities space exempt from the requirements of this Section 202.8, for a total of 75% of its PDR, Institutional Community, or Arts Activities space exempted from the requirements of this Section 202.8. The public agency negotiating the contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) shall determine the market rate using accepted best practices for this purpose. Such below market rate rental, lease, or sale shall be for a period of not less than 55 years and subject to a deed restriction. The exemptions set forth in this subsection 202.8(f)(9) may be used no more than once every 10 years per property, with the date of the first Certificate of Occupancy for the permit application for conversion establishing the start of the 10 year period.

2. Modify subsection 202.8(a)(5) to add the term "square feet" to clarify allowed reduced replacement amounts for projects subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) and renting, leasing or selling required replacement space at 50% below market rate:

   (a)(5) The replacement requirements of subsection (a)(1), (2), (3), and (4) may be reduced by 0.25 *square feet* for any project subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), including but not limited to a development agreement approved by the City under California Government Code Section 65864 et seq. if, as part of the

terms of such agreement, the required replacement space is rented, leased, or sold at 50% below market rate for such commercial space for a period of not less than 55 years and is subject to deed restriction.

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. Older buildings are sufficiently difficult to adapt. City regulations should provide as much flexibility to the owners of these buildings as possible. This would help the economic viability of these buildings and allow them to continue in operation.

2. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers

Because the proposed Ordinance maintains a PDR retention requirement and includes a path to create PDR spaces leased or sold at below market rates, the Ordinance promotes employment opportunities for unskilled and semi-skilled workers.

OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.11

Maintain an adequate supply of space appropriate to the needs of incubator industries

The proposed Ordinance creates a mechanism to create PDR, Institutional Community and Arts Activities spaces rented at below market rates. These can augment the supply of existing spaces used as business incubators.

MISSION AREA PLAN

OBJECTIVE 8.2

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE MISSION PLAN AREA.

Policy 8.2.3
Promote and offer incentives for the rehabilitation and adaptive reuse of historic buildings in the Mission plan area.

The proposed Ordinance will facilitate the adaptive reuse of historic buildings by loosening restrictions on the conversion of specific uses in these buildings. This can allow new uses in these buildings which then subsidize any renovations required for the adaptive reuse.

OBJECTIVE 8.3
ENSURE THAT HISTORIC PRESERVATION CONCERNS CONTINUE TO BE AN INTEGRAL PART OF THE ONGOING PLANNING PROCESSES FOR THE MISSION PLAN AREA AS THEY EVOLVE OVER TIME.

Policy 8.3.6
Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives.

The proposed Ordinance will revise an existing land use regulation in a manner that will facilitate the adaptive reuse of historic buildings in the Mission Area Plan.

EAST SOMA AREA PLAN

OBJECTIVE 8.2
PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE EAST SOMA AREA PLAN.

Policy 8.2.3
Promote and offer incentives for the rehabilitation and adaptive reuse of historic buildings in the East SoMa area plan.

The proposed Ordinance will facilitate the adaptive reuse of historic buildings by loosening restrictions on the conversion of specific uses in these buildings. This can allow new uses in these buildings which then subsidize any renovations required for the adaptive reuse.

OBJECTIVE 8.3
ENSURE THAT HISTORIC PRESERVATION CONCERNS CONTINUE TO BE AN INTEGRAL PART OF THE ONGOING PLANNING PROCESSES FOR THE EAST SOMA PLAN AREA AS THEY EVOLVE OVER TIME

Policy 8.3.6
Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives.

The proposed Ordinance will revise an existing land use regulation in a manner that will facilitate the adaptive reuse of historic buildings in the East SOMA Area Plan.

WESTERN SOMA AREA PLAN
OBJECTIVE 5.1
REINFORCE THE DIVERSITY OF THE EXISTING BUILT FORM AND THE WAREHOUSE, INDUSTRIAL AND ALLEY CHARACTER.

Policy 5.1.3
Encourage and support the preservation and adaptive re-use of historic and social heritage neighborhood resources.

The proposed Ordinance will facilitate the adaptive reuse of historic buildings by loosening existing restrictions on the conversion on specific uses. This will allow the introduction of other uses which can subsidize any required renovations or maintenance.

3. **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 because the Ordinance deals with allowed conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

   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 can have a positive effect on the existing neighborhood character and can help preserve economic diversity of the City's neighborhoods because it creates a path to adaptively reuse historic buildings while retaining and in certain instances creating new light industrial, Institutional Community and Arts Activities uses.

   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 because it concerns itself with the conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

   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 because it concerns itself with the conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

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 will assure that the City maintains a diverse economic base by maintaining a PDR retention requirement and by creating a path to produce new PDR spaces.

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 can have a beneficial effect on the City's Landmarks and historic buildings as it loosens land use regulations that can support future investment and adaptive reuse of these 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 because it concerns itself with the conversion and replacement of light industrial, Institutional Community and Arts Activities uses.

4. **Planning Code Section 302 Findings.** The 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.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 18, 2017.

Jonas P. Ionin
Commission Secretary

AYES: Hasz, Hyland, Johnck, Matsuda, Pearlman, Wolfram

NOES: None

ABSENT: Johns

ADOPTED: January 18, 2017

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning Code Text Amendment
HEARING DATE: DECEMBER 8, 2016
EXPIRATION DATE: DECEMBER 26, 2016

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:	**Exempting Certain Historic Landmarks from November 2016 Ballot Measure Requiring Conditional Use Authorization to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses**
Case Number:	**2016-013035PCA** [Board File No. 161014]
Initiated by:	Supervisor Kim / Introduced September 20, 2016
Staff Contact:	Diego R Sánchez, Legislative Affairs diego.sanchez@sfgov.org, 415-575-9082
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	**Recommend Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend Planning Code Section 208.8, included in the November 8, 2016, General Election as Proposition X, to exempt certain designated historic landmarks from obtaining Conditional Use Authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement for such uses.

The Way It Is Now:

For projects subject to Planning Code Section 202.8, Conditional Use Authorization (CU) is required when proposing to convert Production, Distribution, and Repair (PDR), Institutional Community (IC), and Arts Activities Uses. These projects are also required to replace converted PDR, IC and Arts Activities spaces according to a ratio based on zoning district and Environmental Evaluation Application submittal date.

The Way It Would Be:

Projects subject to Planning Code Section 202.8 proposing to convert no more than 50% of the property's PDR, IC or Arts Activities space would be exempt from the CU and replacement requirement if that space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places. Further, this project type would be allowed to convert an additional 25% of the space dedicated to PDR, IC or Arts Activities uses if the remaining PDR, IC or Arts Activities space is rented, leased or sold at 50% below market rate.

BACKGROUND

Proposition X

On November 8, 2016 60% of San Francisco voters approved Proposition X, Preserving Space for Neighborhood Arts, Small Business and Community Services in Certain Neighborhoods.[1] This Proposition amended the Planning Code to require CU for projects proposing to demolish or convert spaces dedicated to PDR, IC or Arts Activities uses. The Proposition also required that the demolished or converted spaces be replaced according to a ratio based on the project's zoning district and Environmental Evaluation Application submittal date. The CU and replacement requirements apply to projects in specific mixed use zoning districts in the Mission, East SOMA, Western SOMA and Central SOMA, if adopted, Plan Areas.

Proposition X also affords eight different project types an exemption from the CU and replacement requirements. These projects are:

1. Properties under Port of San Francisco or Recreation and Park Commission jurisdiction, in Redevelopment Plan Areas in effect as of July 1, 2016 and any parcel in the P (Public) zoning district as of July 1, 2016.
2. Projects where the PDR, IC or Arts Activities use subject to conversion commenced after June 14, 2016
3. Projects that were approved by the Planning Department or Planning Commission by June 14, 2016
4. Any project that would convert less than 15,000 square feet of PDR, IC or Arts Activities use and for which an Environmental Evaluation Application was submitted prior to June 14, 2016
5. Any public transportation project
6. Any project receiving affordable housing credits associated with affordable unit retention at the South Beach Marina Apartments
7. Any project where 100% of the units are affordable
8. Any property in the Western SOMA Plan Area if the actual use functioning on the property as of September 8, 2014 was principally permitted and not a PDR, IC or Arts Activities use, such that a legal conversion could have been approved prior to October 9, 2014. This applies only to conversions of uses less than 25,000 square feet in area.

The ballot arguments in favor of Proposition X cited the loss of affordable spaces for PDR, IC and Arts Activities as motivation for the Proposition. Proponents argued that urgent action was needed given the loss of one million square feet of PDR, IC or Arts Activities spaces since 2011. These uses, proponents claimed, contribute to the City's cultural heritage and local economy and merit preservation. Proponents also cited job preservation and creation as reasons to support Proposition X.

Opponents argued that using the ballot initiative process is a very poor method to amend land use controls. In this vein, they claimed that Proposition X was hastily drafted and lacked adequate outreach. Consequently, opponents argued, Proposition X would lead to housing production delays and cost increases. Proposition X does not guarantee that newly created replacement spaces would be suitable to light industrial and arts uses, both from a physical and financial perspective. Because of this, opponents

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[1]Legislative Digest:
http://sfgov.org/elections/sites/default/files/Documents/candidates/Requirements%20for%20Changing%20the%20Use%20of%20Certain%20Properties%20Legislative%20Digest.pdf
Legal Text:
http://sfgov.org/elections/sites/default/files/Documents/candidates/Requirements%20for%20Changing%20the%20Use%20of%20Certain%20Properties%20Legal%20Text.pdf

argued, these matters are better handled through the typical legislative process, including vetting by the Commission and the BOS.

ISSUES AND CONSIDERATIONS

A Brief Overview of PDR Retention Strategies in San Francisco's Industrial Areas

Since the early 1990's the City has been concerned about the loss of PDR activity from its industrial areas. Competing Residential, Live/Work and Office uses very often drove the conversion of PDR spaces to non-PDR purposes. Vacant land zoned for PDR activities was also frequently used for non-PDR purposes. In response, the Planning Commission (Commission) and Board of Supervisors (BOS) have repeatedly adopted land use policies and permanent controls to preserve PDR land and spaces.

Initial Strategies from the 1990's

Resolutions 13794 (R13794) and 14556 (R14556) were early attempts to stem the loss of PDR activity. Adopted in December 1994, R13794 required the Planning Commission (Commission) to take Discretionary Review (DR) on proposals constructing ten or more new Live/Work units or converting an existing industrial structure to ten or more Live/Work units within a portion of the Northeast Mission (NEMIZ). R14556, adopted in March 1998, expanded the DR policy to encompass all of the NEMIZ and include areas within Islais Creek and Mission Bay.

The Commission recognized replacement requirements as a PDR retention strategy with the adoption of Resolution 14861 (R14861) in August 1999. These interim controls also provided guidance on the location of PDR and Residential uses, with an eye toward assuring compatibility. R14861 established an Industrial Protection Zone (IPZ) and a Mixed Use Housing Zone (MUHZ) within industrially zoned areas of eastern San Francisco. Within the IPZ, projects retaining or creating PDR spaces were favored over housing. The Commission also established a policy encouraging replacement of demolished industrial spaces with new spaces suitable for PDR. CU was required for projects demolishing buildings occupied by businesses engaged in industrial activities. The MUHZ intended to foster residential development with lighter intensity PDR or retail uses at the ground floor. This was to serve as a transition between industrial activities in the IPZ and Residential uses in the MUHZ.

The 2000's: BOS Moratoria and Affirmation of Existing Commission Strategies

By the early 2000's the BOS began to impose stronger controls to address the loss of PDR spaces. The Live/Work Moratorium (Resolution 111-01), enacted in February 2001, and the "Information Technology" Office controls (Resolution 518-01), enacted in July 2001, are two examples. Resolution 111-01 prohibited Live/Work uses across San Francisco. Resolution 518-01 prohibited new Office uses in the NEMIZ. Both were a response to the threats these uses posed to the PDR sector's viability.

Resolution 16727, adopted in February 2004, reaffirmed the Commission's PDR replacement requirement as a viable retention strategy. It also identified three sub-areas in the Mission, SOMA and Showplace Square/Potrero Hill neighborhoods for particular consideration. Two sub-areas, the Core PDR Overlay and the Housing/PDR Overlay, discouraged PDR loss and encouraged its inclusion in replacement projects. The third, the Housing/Mixed Use Overlay, encouraged maximizing housing densities.

The Eastern Neighborhoods Plan (EN), begun in 2001 and effective as of January 2009, sought to balance two on-going and competing needs in eastern San Francisco. The first was the need to accommodate new Residential and Office development. The second was the need to preserve existing PDR uses and land

zoned for those uses. EN attempted to resolve this tension, in part, by creating two new sets of zoning districts for industrially zoned land. One set essentially restricted land to PDR uses. The other set allowed a mix of uses, including Residential and PDR uses. Much like the earlier MUHZ, this set of districts was crafted to maximize residential densities while allowing other non-Residential uses.

More Recent BOS and Commission Controls

In the last few years both the BOS and the Commission have continued to enact controls to retain PDR uses in the City's eastern neighborhoods. For example, Ordinance 210-14, enacted by the BOS in October 2014, established an interim moratorium on the conversion or replacement of PDR uses in the proposed Central SOMA Plan Area. This was intended to address PDR displacement concerns in the Central SOMA Plan Area during plan area development. This control expired in October 2016.

Another instance of Commission action is the Mission Interim Zoning Controls, effective January 2014 as part of the continuing Mission Action Plan 2020 effort. These controls require project sponsors to provide additional information, and Department Staff to conduct additional analysis, on projects proposing PDR displacement. For example, research and disclosure of offered relocation benefits, availability of uses similar to those being displaced and availability of vacant space to serve as replacement is required of project sponsors. Department Staff is required to review the provided information and attend pre-application meetings for such projects. It is also a Department policy to encourage PDR replacement when projects propose demolition or significant renovation.

Compromise as a Common Thread

In certain instances, based on compatibility considerations for example, the City has taken a policy direction toward highly scrutinizing proposed projects and encouraging PDR retention. In others it provided flexibility in allowed land uses irrespective of geography or existing land uses. Even Proposition X acknowledges more than a half dozen circumstances where using formerly industrially zoned land for non-PDR purposes is beneficial to the City. This give and take has been an underlying theme in the City's PDR retention efforts.

Adaptive Re-Use of Historic Buildings

Actively used, fully functional historic buildings greatly contribute to a neighborhood's fabric and economic vitality; however, given rapid economic changes certain buildings may not be properly designed to accommodate newer activities, leading to their neglect and deterioration. For example, older buildings may not have suitable conveyance or ventilation systems for particular economic activities or do not comply with ADA requirements. Some may suffer from outdated floor plan configurations, including inadequate ingress/egress. In other cases, existing building/life safety or land use regulations may hamper the introduction of many new economic activities. In these instances it reasonable that the City pursue financial incentives and/or regulatory amendments to facilitate the re-use of such buildings.

San Francisco's General Plan also provides policy guidance regarding the preservation and adaptive re-use of historic buildings. For example, the Western SOMA Area Plan encourages and supports the adaptive re-use of the neighborhood's historic and social heritage resources.[2] The Mission and East

[2] Western SOMA Area Plan, Objective 5.1, Policy 5.1.3: Encourage and support the preservation and adaptive re-use of historic and social heritage neighborhood resources.

SOMA Area Plans have policies that urge the City to revise land use controls to facilitate preservation goals.[3] This includes making adaptive re-use easier.

Supply and Creation of PDR Spaces

The Department's Pipeline Reports provide data analyzed on a quarterly basis regarding the development of non-Residential uses, including PDR uses.[4] The Pipeline Reports, and in particular Table 1: Residential and Commercial Pipeline, by Pipeline Status and Land Use Category, indicate a consistent trend in the production of PDR spaces. Despite certain Pipeline Reports indicating some level of new PDR production, either as filed or approved applications for example, cumulatively there is a consistent net loss of PDR space. This figure is typically in the hundreds of thousands of gross square feet.

Data on completed projects involving PDR uses since 2000 also illustrate a similar trend. Table 1 below indicates the net production by particular Area Plan and the rest of San Francisco.

TABLE 1: NET PRODUCTION OR LOSS OF PDR SINCE 2000 FROM COMPLETED PROJECTS

Location	Net PDR Production, in Sq. Ft.
Central Waterfront Area Plan	9,732
Showplace Square/ Potrero Hill Area Plan	106,307
Eastern SOMA Area Plan	(692,866)
Mission Area Plan	(328,394)
Western SOMA Area Plan	(141,720)
Rest of San Francisco	(373,891)
TOTALS	(1,420,832)

The magnitude and overall trend in completed and pipeline projects are particularly troubling to the City's goals of achieving economic and employment diversity.[5]

Lessening this rate of loss is important. The City should be open to new or amended regulations that address this issue. On the supply side, programs incentivizing or actually producing new PDR spaces should be strongly supported. These could be tailored to create spaces leased or sold at below market rate as well.

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[3] Mission Area Plan, Objective 8.3, Policy 8.3.6: Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives.
East SOMA Area Plan, Objective 8.3, Policy 8.3.6: Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives

[4] http://sf-planning.org/pipeline-report

[5] Commerce and Industry Element, Goals Nos. 1 and 2
http://www.sf-planning.org/ftp/General_Plan/I2_Commerce_and_Industry.htm

The City does not have a readily available mechanism or program to proactively create PDR, or IC and Arts Activities, spaces leased or sold at any price. Given the decades of competitive pressure from Residential and Office uses and scant new production of PDR spaces, finding a mechanism or program to do so is imperative. Combined with constantly escalating commercial lease rates in the City's eastern half, PDR, IC or Arts Activities spaces leased or sold below market rates would be a boon to these sectors.

When creating such a mechanism or program to create PDR/IC/Arts Activities spaces leased or sold below market rates it is prudent that exemptions, required amounts and limits are clear to all parties. This is particularly true for larger projects subject to a Development Agreement (DA) with the City. It is preferable that the City agency negotiating the DA determine the proper lease or sales rate, using accepted best practices, for any PDR/IC/Arts Activities spaces produced in conjunction with the larger development. In addition, any exemptions to replacement requirements should be selectively allowed and any size or time limits to their use clearly demarcated.

RECOMMENDATION

The Department recommends that the Commission recommend ***approval with modifications*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Modify subsection 202.8(f)(9) of the proposed Ordnance to make clarifications to ease implementation, including the following:
    a. Clarify that the City Agency negotiating the Development Agreement will make the determination of market rate for projects proposing additional conversion;
    b. Clarify that the First Certificate of Occupancy shall be the milestone or document used to determine the 10 year limit on the use of the proposed exemptions; and
    c. Clarify that a property may reduce up to 75% of its PDR, IC or Arts Activities spaces exempt from the requirements of Section 202.8.

    (f)(9) Any project that proposes to convert no more than 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places. Additionally, any such project that is also subject to a contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), which, as part of the terms of such contract or agreement, rents, leases, or sells at 50% below market rate the property's remaining PDR, Institutional Community, or Arts Activities space, may convert an additional 25% of the property's PDR, Institutional Community, or Arts Activities space exempt from the requirements of this Section 202.8, for a total of 75% of its PDR, Institutional Community, or Arts Activities space exempted from the requirements of this Section 202.8. The public agency negotiating the contract or agreement meeting the requirements of California Civil Code Section 1954.28(d) shall determine the market rate using accepted best practices for this purpose. Such below market rate rental, lease, or sale shall be for a period of not less than 55 years and subject to a deed restriction. The exemptions set forth in this subsection 202.8(f)(9) may be used no more than once every 10 years per property, with the date of the first Certificate of Occupancy for the permit application for conversion establishing the start of the 10 year period.

2. Modify subsection 202.8(a)(5) to add the term "square feet" to clarify allowed reduced replacement amounts for projects subject to any contract or agreement meeting the requirements

of California Civil Code Section 1954.28(d) and renting, leasing or selling required replacement space at 50% below market rate:

(a)(5) The replacement requirements of subsection (a)(1), (2), (3), and (4) may be reduced by 0.25 *square feet* for any project subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), including but not limited to a development agreement approved by the City under California Government Code Section 65864 et seq. if, as part of the terms of such agreement, the required replacement space is rented, leased, or sold at 50% below market rate for such commercial space for a period of not less than 55 years and is subject to deed restriction.

3. Modify the Ordinance to limit the proposed exemption to conversions of certain sizes in identified landmark buildings designated under Article 10 or individually listed on the National Register of Historic Places.

(f)(9) Any project that proposes to convert the lesser of 49,999 square feet or ~~no more than~~ 50% of the property's PDR, Institutional Community, or Arts Activities space, provided that such space is located within a landmark designated under Article 10 of the Planning Code or individually listed on the National Register of Historic Places as of July 1, 2016...

BASIS FOR RECOMMENDATION

The Department supports the Ordinance's overarching goals of balancing the adaptive re-use of historic buildings through conversion and the creation of a mechanism producing below market rate PRD/IC/Arts Activities spaces with the need for their retention. Neighborhoods benefit when older buildings are renovated and actively used. When this is coupled with an opportunity to create spaces leased or sold below market rates, a beneficial synergy arises that enriches the neighborhood fabric and economy. Nonetheless, the Department is in favor of modifications constraining the amount of PDR/IC/Arts Activities spaces potentially converted by narrowing the applicability of the proposed exemption.

Recommendation 1: Amend subsection 202.8(f)(9) to make clarifications to ease implementation. Staff recommends these three clarifications because they will aid in the successful implementation of the proposed exemption. For building owners contemplating conversion, the proposed clarifications help highlight the allowed extent and frequency of the exemption. For the City, the responsibility for establishing lease rates or sales prices for retained spaces is clarified. The three clarifications also help the City review future conversion proposals.

Recommendation 2: Amend subsection 202.8(a)(5) to clarify allowed reduced replacement amounts. Clarifying that the allowed reduction is in square feet improves the readability of the subsection. It also helps understand this subsection's ramifications on four other subsections establishing replacement requirements. Both project sponsors and Department Staff will benefit from this added clarity.

Recommendation 3: Amend subsection 202.8(f)(9) to limit the proposed exemption to conversions of certain sizes in identified buildings. Well defined parameters outlining the projects allowed the proposed exemption serve two purposes. First, it limits the total area converted from any one project proposing PDR/IC/Art Activities conversion. The proposed allowed amount is equivalent to that allowed under the City's Office Development Reserve for Smaller Buildings. This keeps conversions small, yet still adequately sized for a variety of buildings and prospective tenants. Second, the modification

constrains future PDR/IC/Arts Activities conversions to already identified historic buildings. This type of constraint is a common feature in the existing Proposition X exemptions and helps the City retain existing PDR/IC/Arts Activities spaces.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

IMPLEMENTATION

The Department determined that this Ordinance will impact our current implementation procedures; however the proposed changes can be implemented without increasing permit costs or review time.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION:	**Recommendation of Approval with Modification**

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Board of Supervisors File No. 161014

SAN FRANCISCO
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

January 19, 2017

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 161014 [Planning Code - Exempting Certain Historic Landmarks From November 2016 Ballot Measure Requiring Conditional Use Authorization to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses]

Small Business Commission Recommendation to the Board of Supervisors: **Approval**

Dear Ms. Calvillo,

On November 28, 2016, the Small Business Commission voted unanimously (5-0, 2 absent) to recommend that the Board of Supervisors approve BOS File No. 161014.

Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Jane Kim, Board of Supervisors
April Ang, Office of Supervisor Jane Kim
Nicole Elliott, Mayor's Office
Mawuli Tugbenyoh, Mayor's Office
Lisa Pagan, Office of Economic and Workforce Development
Laurel Arvanitidis, Office of Economic and Workforce Development
Susan Ma, Office of Economic and Workforce Development
Alisa Somera, Land Use & Transportation Committee

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

MEMORANDUM

TO: Tom DeCaigny, Director of Cultural Affairs, Arts Commission
Susan Pontious, Director of Public Art Program, Arts Commission

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

DATE: April 24, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Kim on April 18, 2017:

File No. 161014

Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, Section 101.1.

If you have 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 or by email at: alisa.somera@sfgov.org.

c: Rebekah Krell, Arts Commission
Sharon Page Ritchie, Arts Commission

BOARD of SUPERVISORS

City Hall
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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 24, 2017

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 18, 2017, Supervisor Kim introduced the following substitute legislation:

File No. 161014

Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Acting Environmental Review Officer
AnMarie Rodgers, Senior Policy Advisor
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

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April 24, 2017

File No. 161014

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April18, 2017, Supervisor Kim introduced the following substitute legislation:

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

City Hall
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San Francisco 94102-4689
Tel. No. 554-5184
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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: April 24, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute 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. 161014

Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, 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

c: Menaka Mahajan, Small Business Commission

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

September 27, 2016

File No. 161014

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 20, 2016, Supervisor Kim introduced the following proposed legislation:

File No. 161014

Ordinance amending Planning Code, Section 202.8, included in the November 8, 2016, General Election as Proposition X, to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board
for Jon Lew
By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

City Hall
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Small Business Commission, City Hall, Room 448

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

DATE: September 27, 2016

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Land Use and Transportation Committee

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****

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

____ **No Comment**

____ **Recommendation Attached**

_____
Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS

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1650 Mission Street, Ste. 400
San Francisco, CA 94103

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Angela Calvillo, Clerk of the Board

for Rick Lew

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

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Acting Environmental Review Officer
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MEMORANDUM

TO: Tom DeCaigny, Director of Cultural Affairs, Arts Commission
Susan Pontious, Director of Public Art Program, Arts Commission

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

DATE: September 27, 2016

SUBJECT: LEGISLATION INTRODUCED

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File No. 161014

Ordinance amending Planning Code, Section 202.8, included in the November 8, 2016, General Election as Proposition X, to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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, Section 101.1.

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c: Rebekah Krell, Arts Commission
Sharon Page Ritchie, Arts Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 APR 17 AM 11: 10
BY

Time 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. 161014
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. 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 Form.

Sponsor(s):

KIM

Subject:

Planning Code - Exempting Certain Historic Landmarks from Conditional Use Authorization Requirement for Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses.

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

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):

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☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Kim

Subject:

Planning Code – Exempting Certain Designated Historic Landmarks From a Proposed Ballot Measure Requiring Conditional Use Authorization to Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses

The text is listed below or attached:

See attached

Signature of Sponsoring Supervisor:

For Clerk's Use Only: