

BOARD of SUPERVISORS



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October 3, 2018

File No. 180935

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

Dear Ms. Gibson:

On September 25, 2018, Supervisor Cohen submitted the substitute legislation:

File No. 180935

Ordinance amending the Planning Code and Zoning Map to create the 1550 Evans Avenue Special Use District; 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 making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code, Zoning Map - 1550 Evans Avenue Special Use District]

2
3 **Ordinance amending the Planning Code and Zoning Map to create the 1550 Evans**
4 **Avenue Special Use District; affirming the Planning Department’s determination under**
5 **the California Environmental Quality Act; making findings of consistency with the**
6 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
7 **making findings of public necessity, convenience, and welfare under Planning Code,**
8 **Section 302.**

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

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

17 Section 1. Background and General Findings.

18 (a) The Bayview Hunters Point neighborhood is home to the Southeast Water Pollution
19 Control Plant (“Plant”), which manages 80% of the City’s wastewater, allowing San Francisco
20 residents and visitors to have safe, reliable, and operational sewer services. In 1986, in
21 accordance with State Water Resources Control Board Order No. WQG 81-1, the City
22 completed construction of the Southeast Community Facility (“SECF”) at 1800 Oakdale
23 Avenue in the Bayview Hunters Point neighborhood to mitigate the adverse social and
24 economic impacts of constructing the Plant expansion projects during the 1970s and 1980s.
25 The San Francisco Public Utilities Commission (“SFPUC”) operates and maintains the SECF
for the benefit of the Bayview Hunters Point community.

1 (b) In 2012, the SFPUC purchased for its public utility purposes the parcel located at
2 1550 Evans Avenue, Assessor's Block 5203, Lot 035 ("1550 Evans") for \$15 million. On
3 October 5, 2016, the Southeast Community Facility Commission ("SECFC") passed a
4 resolution encouraging the SFPUC to move forward with planning and design for a new SECF
5 at 1550 Evans. On October 18, 2016, the SFPUC Citizens Advisory Committee ("CAC")
6 adopted a resolution urging SFPUC to initiate planning and environmental review for building
7 a new SECF at 1550 Evans. On November 8, 2016, the SFPUC Commission adopted
8 Resolution 16-0233, which expressed support for the recommendations of the CAC and the
9 SECFC and acknowledged that SFPUC staff was beginning the planning and design process
10 for a new SECF at 1550 Evans.

11 (c) The SFPUC proposes to continue to meet the requirements of State Water
12 Resources Control Board Order No. WQG 81-1 by replacing the existing SECF at 1800
13 Oakdale with a new SECF to be constructed at 1550 Evans, consisting of a community center
14 containing a childcare facility, café, multi-purpose rooms, classrooms, and offices, as well as a
15 separate pavilion, education building, new parking lot, and open space.

16 (d) To further the City's policies prioritizing production of housing, particularly on
17 publicly owned land, the Special Use District established by this ordinance will also allow for
18 below-market-rate housing uses in the future. Any potential housing development will not
19 supplant the SFPUC's authority to build a new SECF at 1550 Evans.

20 (e) Article VIII B of the Charter, in Section 8B.121(a), grants the SFPUC "exclusive
21 charge" over the use and control of the real property under its jurisdiction; therefore, because
22 1550 Evans is under the SFPUC's jurisdiction, any future uses or development of 1550 Evans
23 would require the approval of the SFPUC in its sole discretion.

24
25 Section 2. Environmental and Land Use Findings.

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

6 (b) On _____, the Planning Commission, in Resolution No. _____,
7 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
8 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
9 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
10 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

11 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
12 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
13 Planning Commission Resolution No. _____, and adopts such reasons by this
14 reference thereto. A copy of said Resolution is on file with the Clerk of the Board of
15 Supervisors in File No. _____, and is incorporated herein by reference.

16
17 Section 3. Article 2 of the Planning Code is hereby amended by revising Section
18 249.42, and adding a new Section 249.85, to read as follows:

19
20 **SEC. 249.42. INDIA BASIN INDUSTRIAL PARK SPECIAL USE DISTRICT.**

21 * * * *

22 (a) **Parcels in close proximity to Third Street.** Parcels numbers ~~5203/035~~, 5203/043,
23 5203/083, 5203/084, 5211/028-054, 5235/012, 5235/015, 5242/001, 5242/002, 5242/007, and
24 5242/031, are subject to the provisions of the PDR-2 District except as provided below:

25 * * * *

1 **SEC. 249.85. 1550 EVANS AVENUE SPECIAL USE DISTRICT.**

2 (a) A Special Use District entitled the 1550 Evans Avenue Special Use District (“1550 Evans
3 SUD” or “SUD”), consisting of Assessor’s Parcel Block 5203, Lot 035 and shown on Special Use
4 District Map SU08 of the Zoning Map of the City and County of San Francisco, is hereby established
5 for the purposes set forth in subsection (b).

6 (b) Purposes. The purposes of the 1550 Evans SUD are to facilitate the San Francisco Public
7 Utilities Commission’s development of the Southeast Community Center Project and to allow uses
8 beyond the immediate plans for the Southeast Community Center in order to reflect changing
9 community needs for a publicly owned site over time. Thus, in addition to the Southeast Community
10 Center Project and uses otherwise allowed in the PDR-2 zoning district, the SUD will allow below
11 market rate Residential Buildings as set forth in subsection (c).

12 (c) Controls. In the 1550 Evans SUD, exceptions from otherwise applicable requirements of
13 this Code may be appropriate to further the goals set forth in this Section 249.85. Therefore, applicable
14 provisions of the Planning Code shall apply to the 1550 Evans SUD except as otherwise provided in
15 this Section. In the event of a conflict between other provisions of the Planning Code and this Section,
16 this Section shall control.

17 (1) Principally Permitted Uses. In addition to the uses that are otherwise permitted as
18 principal or conditional uses in the PDR-2 zoning district in which the 1550 Evans Avenue property is
19 located, the SUD shall allow the following uses as principally permitted uses: Institutional Community
20 Uses (including but not limited to Child Care Facilities and Public Facilities providing multi-purpose
21 rooms, classrooms, parks and open space, and event spaces); Institutional Education Uses;
22 Restaurants; Limited Restaurants; Arts Activities; and below market rate Residential Buildings.

23 (2) Residential Density. Density of residential uses in the 1550 Evans SUD shall not be
24 limited by lot area; rather, residential density in the SUD shall be subject to the applicable
25 requirements and restrictions set forth elsewhere in this Code, including but not limited to, height, bulk,

1 setbacks, open space, exposure, and unit mix, as well as any applicable design guidelines and the
2 elements and area plans of the General Plans.

3 (3) Accessory Parking. Parking uses in the SUD shall be exempt from the accessory
4 parking limits set forth in Planning Code Section 151(c).

5 (4) Demolition of Industrial Buildings. The requirements set forth in Planning Code
6 Section 202.7 (Demolition of Industrial Buildings in PDR Districts, Replacement Requirements) shall
7 not apply in the 1550 Evans SUD.

8
9 Section 4. The Planning Code is hereby amended by revising Sectional Map SU08 of
10 the Zoning Map of the City and County of San Francisco, as follows:

11

<u>Description of Property</u>	<u>Special Use District</u> <u>Hereby Superseded</u>	<u>Special Use District</u> <u>Hereby Created</u>
Block 5203, Lot 035	India Basin Industrial Park Special Use District	1550 Evans Avenue Special Use District

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16 Section 5. Scope of the Ordinance. Except as stated in Section 4, in enacting this
17 ordinance, the Board of Supervisors intends to amend only those words, phrases,
18 paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or
19 any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as
20 additions, deletions, Board amendment additions, and Board amendment deletions in
21 accordance with the "Note" that appears under the official title of the ordinance.

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23 Section 6. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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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.

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

By: 
BRIAN F. CROSSMAN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - 1550 Evans Avenue Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the 1550 Evans Avenue Special Use District; 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 making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, the Planning Code and Zoning Map designate the parcel located at 1550 Evans Avenue (Assessor’s Block 5203, Lot 035) as part of the Production, Distribution & Repair-2 (PDR-2) zoning district and the India Basin Industrial Park Special Use District.

Amendments to Current Law

This ordinance would amend Article 2 of the Planning Code and the Zoning Map to create a new 1550 Evans Avenue Special Use District (“1550 Evans SUD”). The ordinance would revise Planning Code Section 249.42 to remove 1550 Evans Avenue from the India Basin Industrial Park Special Use District and add new Section 249.85, establishing the 1550 Evans SUD. In addition to the uses allowed in the existing PDR-2 zoning district, the 1550 Evans SUD would principally permit Institutional Community Uses, Institutional Education Uses, Restaurants, Limited Restaurants, Arts Activities, and below market rate Residential Buildings. Parking uses in the 1550 Evans SUD would be exempt from the accessory parking limits set forth in Planning Code Section 151(c) and the requirement to replace demolished industrial buildings (Planning Code Section 202.7) would not apply in the 1550 Evans SUD. The ordinance would also amend the Zoning Map to remove the 1550 Evans Avenue property from the India Basin Industrial Park Special Use District add the 1550 Evans SUD.

Background Information

The amendments to the Planning Code and Zoning Map are intended to facilitate development of the Southeast Community Center Project and accommodate changing community needs for a publicly owned site over time. The San Francisco Public Utilities Commission (“SFPUC”) operates and maintains the existing Southeast Community Facility, located at 1800 Oakdale Avenue, pursuant to a State Water Resources Control Board Order that required construction of the facility to offset the adverse social and economic impacts of expanding the Southeast Water Pollution Control Plant. The SFPUC now proposes the Southeast Community Center Project as a replacement to the existing and aging community facility at 1800 Oakdale. The new center, to be constructed at 1550 Evans, will consist of a

community center containing a childcare facility, café, multi-purpose rooms, classrooms, and offices, as well as a separate pavilion, education building, new parking lot, and open space. The amendments to the Planning Code and Zoning Map will facilitate these uses as well as further the City's policies prioritizing production of housing, particularly on publicly owned land, by allowing for below-market-rate housing uses in the future. The Planning Department has determined that the proposed project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the General Rule Exclusion set forth in CEQA Guidelines Section 15061(b)(3).

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