

File No. 100188

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 27, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 18151</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Historic Preservation Commission Resolution No. 651</u> |
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Completed by: Alisa Somera Date September 24, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Zoning - 1800 Market Street Community Center Project Special Use District]

2
3 Ordinance amending the San Francisco Planning Code by adding Section 787 to
4 establish the 1800 Market Street Community Center Project Special Use District for
5 property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located
6 at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No.
7 SU07 of the Zoning Map of the City and County of San Francisco to reflect this new
8 Special Use District; and adopting findings, including environmental findings, Section
9 302 findings, and findings of consistency with the General Plan and priority policies of
10 Planning Code Section 101.1.

11 NOTE: Additions are single-underline italics Times New Roman;
12 deletions are ~~strike-through italics Times New Roman~~.
13 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
16 hereby finds and declares as follows:

17 (a) The legislation will affect property located at 1800 Market Street (Lot No. 014,
18 Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia
19 Boulevard and currently occupied by the San Francisco Lesbian Gay Bisexual and
20 Transgender Community Center (the "Property").

21 (b) The Planning Department has determined that this legislation is exempt from the
22 California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Chapter 31 of the
23 San Francisco Administrative Code. A Determination of Exemption dated July 26,
24 2010, is on file with the Clerk of the Board of Supervisors in File No. 100100 and is
25 incorporated herein by reference.

1 (c) On June 22, 2010, the Planning Commission in Resolution No. 10151
2 approved, and recommended for adoption by the Board, the 1800 Market Street Community
3 Center Project Special Use District and the Zoning Map amendment to establish a Special
4 Use District. A copy of Planning Commission Resolution No. 10151 is on file with the
5 Clerk of the Board of Supervisors in File No. 100100.

6 (d) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
7 Special Use District will serve the public necessity, convenience and welfare for the reasons
8 set forth in Planning Commission Resolution No. 10151, approving and recommending
9 the Special Use District for adoption by the Board, and incorporates said findings herein by
10 reference.

11 (e) This Special Use District is consistent with the General Plan and with the Priority
12 Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission
13 Resolution No. 10151 and the Board incorporates those reasons herein by reference.

14 Section 2. The San Francisco Planning Code is hereby amended by adding Section
15 787, to read as follows:

16 SEC. 787. 1800 MARKET STREET COMMUNITY CENTER PROJECT SPECIAL USE
17 DISTRICT.

18 In order to provide for a compatible revenue-generating commercial and economic
19 development use in a portion of the existing San Francisco Lesbian Gay Bisexual and Transgender
20 Community Center at 1800 Market Street to financially support the ongoing operations of such
21 community center, there shall be an 1800 Market Street Community Center Project Special Use District
22 at 1800 Market Street located at the northwest corner of Market Street and Octavia Boulevard,
23 consisting of Lot 014 of Assessor's Block 871, as designated on Sectional Map SU07 of the Zoning
24 Map. The following provisions shall apply within such special use district:

1 (a) In this special use district all of the provisions of this Code applicable in an NCT-3
2 Zoning District shall continue to apply, except as specifically provided in Subsections (b) and (c)
3 below.

4 (b) A full-service restaurant, as defined in Section 790.90, a bar, as defined in Section
5 790.22, and other entertainment, as defined in Section 790.38, up to 6,999 gross square feet in use size
6 shall be permitted uses on the third story and above.

7 (c) An outdoor activity area operated by a permitted full-service restaurant, bar or other
8 entertainment use, as defined by Sections 145.2 and 790.70, shall be a permitted use on the third story
9 and above if located contiguous to the Market Street front property line, subject to the following
10 restrictions:

11 (1) Hours of operation of the outdoor activity area shall be no later than 12:00 midnight
12 Sunday through Thursday and 2:00 a.m. on Friday, Saturday, and evenings before a holiday.

13 (2) The noise associated with any amplified music, outdoor speakers, or other devices
14 located in the outdoor activity area shall not exceed a noise level more than eight dBA above the local
15 ambient at any point outside of the property plane, as defined by Chapter 29 of the Police Code.

16 Section 3. In accordance with Planning Code Sections 106 and 302, Sheet SU07 of
17 the Zoning Map of the City and County of San Francisco is hereby amended to designate the
18 following as the 1800 Market Street Community Center Special Use District:

19 Assessor's Block 871, Lot 014, 1800 Market Street, located at the northwest corner of
20 Market Street and Octavia Boulevard.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: 
25 JUDITH A. BOYAJIAN
Deputy City Attorney

LEGISLATIVE DIGEST

[Zoning – 1800 Market Street Community Center Project Special Use District.]

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Existing Law

Planning Code Section 780 et seq. establishes Neighborhood Commercial Special Use Districts in order to "provide, maintain, and strengthen viable neighborhood commercial districts, promote the multiple use of neighborhood commercial areas, and protect environmental quality in neighborhood commercial areas."

Amendments to Current Law

The proposed legislation adds Section 787 to the Planning Code to establish the 1800 Market Street Community Center Project Special Use District. This Special Use District will authorize the property at 1800 Market Street, which is located at the northwest corner of Market Street and Octavia Boulevard, to have a full-service restaurant, a bar, and other entertainment (all as defined in the Planning Code) up to 6,999 gross square feet as a permitted use on the third story and above. The full-service restaurant, bar, or other entertainment use may operate an outdoor activity area contiguous to the Market Street front property line as a permitted use on the third story or above with limits on hours of operation and noise. All other Code provisions applicable in an NCT-3 Zoning District shall continue to apply.

Background Information

The proposed Special Use District is being established in order to provide for a compatible revenue-generating commercial and economic development use in a portion of the existing San Francisco Lesbian Gay Bisexual and Transgender Community Center located at 1800 Market Street. This revenue-generating use will financially support the ongoing operations of the Center.



SAN FRANCISCO PLANNING DEPARTMENT

July 26, 2010

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

**Re: Transmittal of Planning Department Case Number 2010.0355TZ:
1800 Market Street SUD
Board File Number 10-0188
Planning Commission Recommendation: Approval with Modifications**

Dear Ms. Calvillo,

On July 21st, the San Francisco Historic Preservation Commission conducted a duly noticed public hearing to consider the proposed amendments.

On July 22nd, the San Francisco Planning Commission conducted a duly noticed public hearing to consider the proposed amendments.

The proposed Ordinance would amend the Planning Code to add Section 787 to establish the *1800 Market Street Community Center Project Special Use District* ("SUD") for the property located at 1800 Market Street (B/L: 0871/014), located at the northwest corner of Market Street and Octavia Boulevard (aka the LBGT Community Center), and amending sheet SU07 of the Zoning Map to reflect this new Special Use District

The proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the June 21st and 22nd hearing, both the Historic Preservation Commission and the Planning Commission voted to recommend approval with modifications of the proposed Ordinance.

The modification proposed is as follows:

1. Cross reference the new SUD in Section 702.2: Neighborhood Commercial Special Use Districts.

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

Sincerely,

John Rahaim
John Rahaim
Director of Planning

cc: Supervisor Dufty

Attachments (one copy of the following):

Planning Commission Resolution No. 18151

Historic Preservation Commission Resolution No. 651

Executive Summary for Case No. 2010.0355TZ



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18151 Planning Code Text Change & Zoning Map Amendment HEARING DATE: JUNE 22, 2010

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: 1800 Market Street, aka LGBT Community Center
Landmark No. 223, Carmel Fallon Building

Case Number: 2010.0335TZ

Initiated by: Supervisor Dufty, Introduced April 27, 2010
BOS File No. 10-0188

Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE THAT WOULD AMEND PLANNING CODE BY ADDING SECTION 787 TO ESTABLISH THE "1800 MARKET STREET COMMUNITY CENTER PROJECT SPECIAL USE DISTRICT" FOR THE PROPERTY LOCATED AT 1800 MARKET STREET (BLOCK/LOT: 0871/014); AND AMEND ZONING MAP SHEET SU07 TO REFLECT THE NEW SUD; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.

PREAMBLE

Whereas, on April 27, 2010, Supervisor Dufty introduced an Ordinance under Board File No. 10-0188, which would amend the Planning Code to add Section 787 to establish the *1800 Market Street Community Center Project Special Use District* ("SUD") for the property located at 1800 Market Street (B/L: 0871/014), located at the northwest corner of Market Street and Octavia Boulevard (aka the LGBT Community Center), and amending sheet SU07 of the Zoning Map to reflect this new Special Use District; and

Whereas, on June 2, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); 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 by Department staff, and other interested parties; and

Whereas, the 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 Commission hereby recommends approval with modification of the proposed ordinance to the Board of Supervisors and adopts this Resolution to that effect. The modification proposed is as follows:

1. Cross reference the new SUD in Section 702.2: Neighborhood Commercial Special Use Districts.

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. 1800 Market Street is classified as an Institutional Use per Code Section 790.50, and is zoned NCT-3 (Moderate-Scale Neighborhood Commercial Transit District), which regulates what type of uses may be permitted on a parcel. NCT-3 currently permits outdoor activity on an upper floor with a Conditional Use Authorization ("CU") (Section 731.24), and does not permit a full-service restaurant (731.42), a bar (731.41) use, or Other Entertainment Use (790.38) on the third floor.
2. 1800 Market Street was designated as San Francisco Landmark No. 233 in 1998.
3. The Planning Commission authorized the demolition and construction of the new LGBT Center in November 1998, under case no. 1998.834C.
4. The LGBT Center has been pursuing opening a restaurant/bar use on the third floor of the building for the past year, as a method of generating revenue for the Center's mission and programming. The current zoning controls do not permit a business to operate on the third floor. The proposed SUD will enable the Center to lease out this space subject to the controls specified above.
5. The LGBT Center is located at the intersection of Market and Octavia Streets, an important crossroads of San Francisco. The portion of Market Street that the Center faces contains active commercial uses. A new restaurant/bar use will be compatible with the surrounding activities.
6. The outdoor space faces Market Street and any noise emanating from the space will front Market Street, not Waller Street, which is protected by the third floor massing along Waller Street.
7. The proposed Ordinance is narrowly drafted to permit a limited number of uses on the third floor and the remainder of the building will be used for LGBT community facilities.

8. The Commission believes that the proposed uses are appropriate to the size and scale of the existing building, will be compatible with the surrounding neighborhood, and will add to the vibrancy and longevity of the LGBT Center.
9. The Commission further finds that the proposed Ordinance will not impact the Landmark portion of the property, and will assist in the maintenance and upkeep of the Landmark.
10. Pursuant to Charter Section 4.135, any proposed Ordinance regarding preservation issues will be referred to the Historic Preservation Commission ("HPC") for their review and recommendation to the Board of Supervisors. Because the proposed SUD concerns an individual landmark, this item is was referred to the HPC for recommendation to the Board of Supervisors. The HPC review of the proposed Ordinance was July 21, 2010.
11. Therefore, the Commission recommends *approval with modifications of the proposed Ordinance*. The modification proposed is as follows:
 - a. Cross reference the new SUD in Section 702.2: Neighborhood Commercial Special Use Districts.
12. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

13. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will help enhance the City's supply of affordable housing by allowing for TDRs to be transferred to a larger number of parcels in the C-3 Districts, which may enable new projects to be developed containing affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any construction or alteration associated with an establishment on the third floor would be executed in compliance with all applicable construction and safety measures.

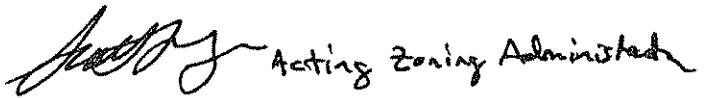
- G) That landmark and historic buildings will be preserved:

The proposed Ordinance concerns Landmark No. 233, and it concerns uses that may locate on the third floor of the contemporary portion of the Landmark. The historic portion of the Landmark will be unaffected by the proposed Code changes.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on July 22, 2010.


For Linda Avery
Commission Secretary

AYES: Olague, Borden, Antonini, Lee, Sugaya, Moore

NAYS:

RECUSED:

ABSENT: Miguel

ADOPTED: July 22, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. 651 Planning Code Text Change & Zoning Map Amendment HEARING DATE: JUNE 21, 2010

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
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Project Name: 1800 Market Street, aka LGBT Community Center
Landmark No. 223, Carmel Fallon Building

Case Number: 2010.0335TZ

Initiated by: Supervisor Dufty, Introduced April 27, 2010
BOS File No. 10-0188

Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

Reviewed by: Tim Frye, Acting Preservation Coordinator
tim.frye@sfgov.org, 415-575-6822

Recommendation: **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE THAT WOULD AMEND PLANNING CODE BY ADDING SECTION 787 TO ESTABLISH THE "1800 MARKET STREET COMMUNITY CENTER PROJECT SPECIAL USE DISTRICT" FOR THE PROPERTY LOCATED AT 1800 MARKET STREET (BLOCK/LOT: 0871/014); AND AMEND ZONING MAP SHEET SU07 TO REFLECT THE NEW SUD; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.

PREAMBLE

Whereas, on April 27, 2010, Supervisor Dufty introduced an Ordinance under Board File No. 10-0188, which would amend the Planning Code to add Section 787 to establish the *1800 Market Street Community Center Project Special Use District* ("SUD") for the property located at 1800 Market Street (B/L: 0871/014), located at the northwest corner of Market Street and Octavia Boulevard (aka the LGBT Community Center), and amending sheet SU07 of the Zoning Map to reflect this new Special Use District; and

Whereas, pursuant to Charter Section 4.135, any proposed Ordinance regarding preservation issues will be referred to the Historic Preservation Commission ("HPC") for their review and recommendation to the Board of Supervisors. Because the proposed SUD concerns an individual landmark, this item is being referred to the HPC for recommendation to the Board of Supervisors; and

Whereas, on June 2, 2010, the HPC conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the HPC has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented by Department staff, and other interested parties; and

Whereas, the 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 HPC has reviewed the proposed Ordinance; and

MOVED, that the HPC hereby recommends approval with modification of the proposed ordinance to the Board of Supervisors and adopts this Resolution to that effect. The modification proposed is as follows:

1. Cross reference the new SUD in Section 702.2: Neighborhood Commercial Special Use Districts.

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. 1800 Market Street is classified as an Institutional Use per Code Section 790.50, and is zoned NCT-3 (Moderate-Scale Neighborhood Commercial Transit District), which regulates what type of uses may be permitted on a parcel. NCT-3 currently permits outdoor activity on an upper floor with a Conditional Use Authorization ("CU") (Section 731.24), and does not permit a full-service restaurant (731.42), a bar (731.41) use, or Other Entertainment Use (790.38) on the third floor.
2. 1800 Market Street was designated as San Francisco Landmark No. 233 in 1998.
3. The Planning Commission authorized the demolition and construction of the new LGBT Center in November 1998, under case no. 1998.834C.
4. The LGBT Center has been pursuing opening a restaurant/bar use on the third floor of the building for the past year, as a method of generating revenue for the Center's mission and programming. The current zoning controls do not permit a business to operate on the third floor. The proposed SUD will enable the Center to lease out this space subject to the controls specified above.
5. The LGBT Center is located at the intersection of Market and Octavia Streets, an important crossroads of San Francisco. The portion of Market Street that the Center faces contains active commercial uses. A new restaurant/bar use will be compatible with the surrounding activities.

6. The outdoor space faces Market Street and any noise emanating from the space will front Market Street, not Waller Street, which is protected by the third floor massing along Waller Street.
7. The proposed Ordinance is narrowly drafted to permit a limited number of uses on the third floor and the remainder of the building will be used for LGBT community facilities.
8. The HPC believes that the proposed uses are appropriate to the size and scale of the existing building, will be compatible with the surrounding neighborhood, and will add to the vibrancy and longevity of the LGBT Center.
9. The HPC further finds that the proposed Ordinance will not impact the Landmark portion of the property, and will assist in the maintenance and upkeep of the Landmark.
10. The new use should not be detrimental to the Landmark and any work to the exterior of the building (beyond maintenance and repair) related to the new use will require review and approval by the HPC.
11. Therefore, the HPC recommends *approval with modifications of the proposed Ordinance*. The modification proposed is as follows:
 - a. Cross reference the new SUD in Section 702.2: Neighborhood Commercial Special Use Districts.
12. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

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Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

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Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

13. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will help enhance the City's supply of affordable housing by allowing for TDRs to be transferred to a larger number of parcels in the C-3 Districts, which may enable new projects to be developed containing affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any construction or alteration associated with an establishment on the third floor would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance concerns Landmark No. 233, and it concerns uses that may locate on the third floor of the contemporary portion of the Landmark. The historic portion of the Landmark will be unaffected by the proposed Code changes.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the HPC ADOPTED the foregoing Resolution on July 21, 2010.


For: Linda Avery
Commission Secretary

AYES: Chase, Hasz, Martinez, Matsuda, Wolfram, Buckley

NAYS:

RECUSED:

ABSENT: Damkroger

ADOPTED: July 21, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Executive Summary Planning Code Text Change & Zoning Map Amendment

HEARING DATE: JUNE 22, 2010

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: 1800 Market Street, aka LGBT Community Center
Landmark No. 223, Carmel Fallon Building

Case Number: 2010.0335TZ

Initiated by: Supervisor Dufty, Introduced April 27, 2010
BOS File No. 10-0188

Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: Recommend Approval with Modifications

PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Supervisor Dufty would amend the Planning Code to add Section 787 to establish the *1800 Market Street Community Center Project Special Use District* ("SUD") for the property located at 1800 Market Street (B/L: 0871/014), located at the northwest corner of Market Street and Octavia Boulevard (aka the LGBT Community Center), and amending sheet SU07 of the Zoning Map to reflect this new Special Use District.

The Way It Is Now:

1800 Market Street is classified as an Institutional Use per Code Section 790.50,¹ and is zoned NCT-3 (Moderate-Scale Neighborhood Commercial Transit District), which regulates what type of uses may be permitted on a parcel. NCT-3 currently permits outdoor activity on an upper floor with a Conditional

¹ Section 790.50(a): Institutions, Other Large. A public or private, nonprofit or profit-making use, excluding hospitals and medical centers, which provides services to the community and meets the applicable provisions of Section 304.5 of this Code concerning institutional master plans, including but not limited to the following: (a) Assembly and Social Service. A use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial club house, lodge, meeting hall, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area or noncommercial horticulture area not publicly owned.

Use Authorization ("CU") (Section 731.24), and does not permit a full-service restaurant (731.42), a bar (731.41) use, or Other Entertainment Use (790.38) on the third floor.

The Way It Would Be:

The proposed Ordinance would create the *1800 Market Street Community Center Project Special Use District*, which would apply to the LGBT Center parcel. All current applicable NCT-3 controls will continue to apply except:

1. A full-service restaurant, bar, and other entertainment use will be permitted as-of-right on the third floor;
2. Those individual uses, or any combination thereof, cannot exceed 6,999 gross square feet;
3. Outdoor activities is permitted on the third floor if it is
 - a. Operated by a full-service restaurant, bar, or other entertainment use (or any combination thereof); and
 - b. Is contiguous to the Market Street property line; and
 - c. Hours of operation can be no later than: Sunday – Thursday 12am; Friday & Saturday 2am; and
 - d. Must adhere with noise controls as defined in Chapter 29 of the Police Code.

The remainder of the building will continue to function as an Institutional use and subject to the controls of the NCT-3 zoning district.

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.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 2, 2010	June 25, 2010	27 days
Posted Notice (on site)	20 days	July 2, 2010	July 2, 2010	20 days
Posted Notice (intersections)	10 days	July 12, 2010	July 12, 2010	10 days
Mailed Notice	10 days	July 12, 2010	July 9, 2010	13 days

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 modification proposed is as follows:

1. Cross reference the new SUD in Section 702.2: Neighborhood Commercial Special Use Districts.

BASIS FOR RECOMMENDATION

1800 Market Street was designated as San Francisco Landmark No. 233 in 1998 (see Attachment D). The site originally contained three buildings – the 1894 mixed-use building at the corner of Market and Octavia Streets, and two one-story buildings – a bar/club, and a garage building. The landmark designation only pertained to the facades of the corner building, which was incorporated into a new community center. The Planning Commission authorized the demolition and construction of the new LGBT Center in November 1998, under case no. 1998.834C (See Attachment E). The new center was completed in 2000-2001, and has been operating as a community center serving the LGBT community for the past ten years.

The LGBT Center has been pursuing opening a restaurant/bar use on the third floor of the building for the past year, as a method of generating revenue for the Center's mission and programming. The current zoning controls do not permit a business to operate on the third floor. The proposed SUD will enable the Center to lease out this space subject to the controls specified above.

The Department supports the proposed Ordinance. The LGBT Center is located at the intersection of Market and Octavia Streets, an important crossroads of San Francisco. The portion of Market Street that the Center faces contains active commercial uses. A new restaurant/bar use will be compatible with the surrounding activities. The outdoor space faces Market Street and any noise emanating from the space will front Market Street, not Waller Street, which is protected by the third floor massing along Waller Street. The proposed Ordinance is narrowly drafted to permit a limited number of uses on the third floor and the remainder of the building will be used for LGBT community facilities. The Department believes that the proposed uses are appropriate to the size and scale of the existing building, will be compatible with the surrounding neighborhood, and will add to the vibrancy and longevity of the LGBT Center.

Please note: pursuant to Charter Section 4.135, any proposed Ordinance regarding preservation issues will be referred to the Historic Preservation Commission ("HPC") for their review and recommendation to the Board of Supervisors. Because the proposed SUD concerns an individual landmark, this item is was referred to the HPC for recommendation to the Board of Supervisors. The HPC review of the proposed Ordinance is July 21, 2010.

RECOMMENDATION: Recommendation of Approval with Modifications
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ENVIRONMENTAL REVIEW

The proposed Ordinance is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

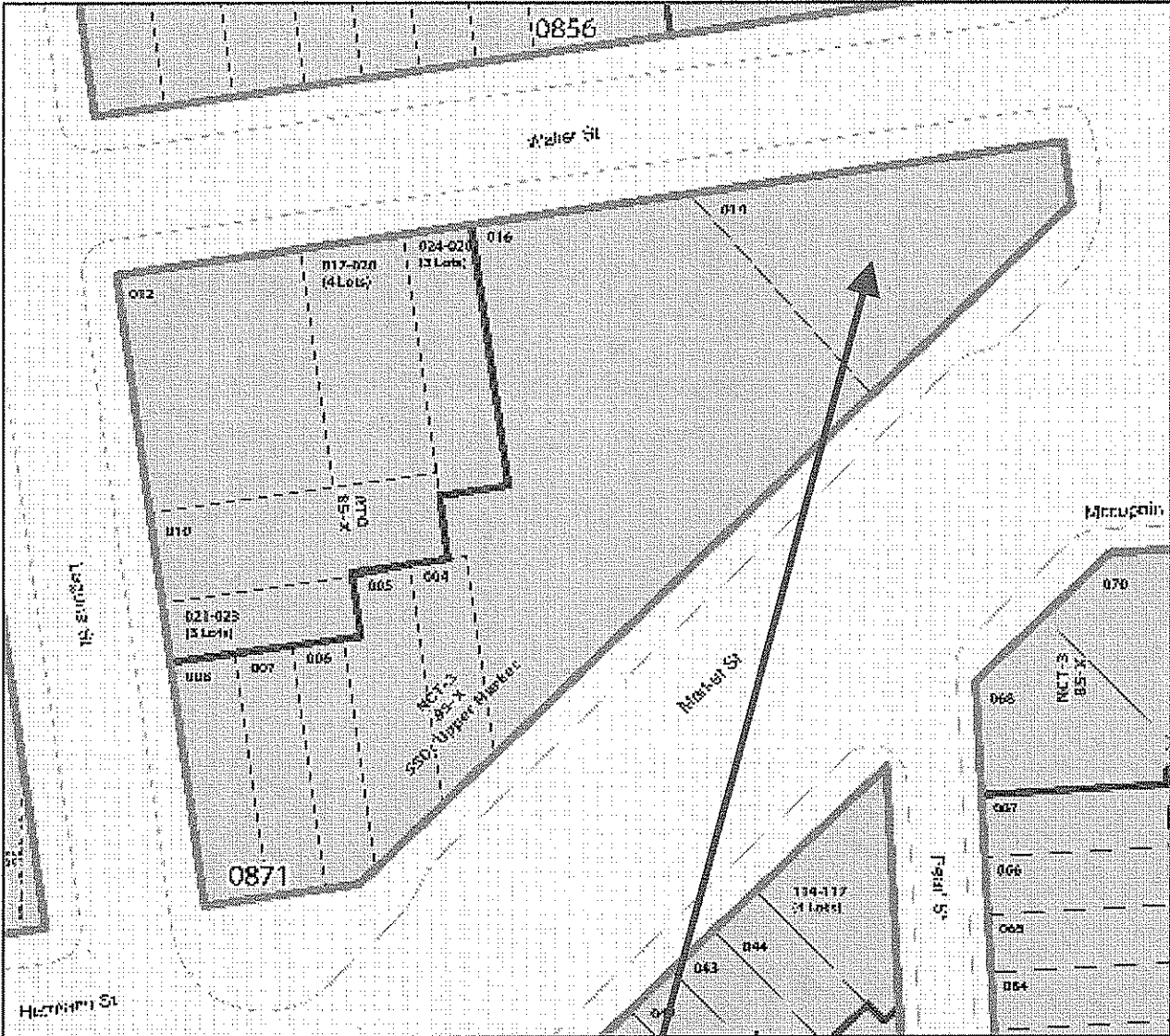
PUBLIC COMMENT

As of the date of this report, the Planning Department has received 1 phone call inquiring about the proposed Ordinance.

Attachments:

- Attachment A: Draft Historic Preservation Commission Resolution
- Attachment B: Draft Ordinance
- Attachment C: Exhibits
- Attachment D: Designation Report
- Attachment E: Planning Commission Motion No. 14725, November 5, 1998

Parcel Map

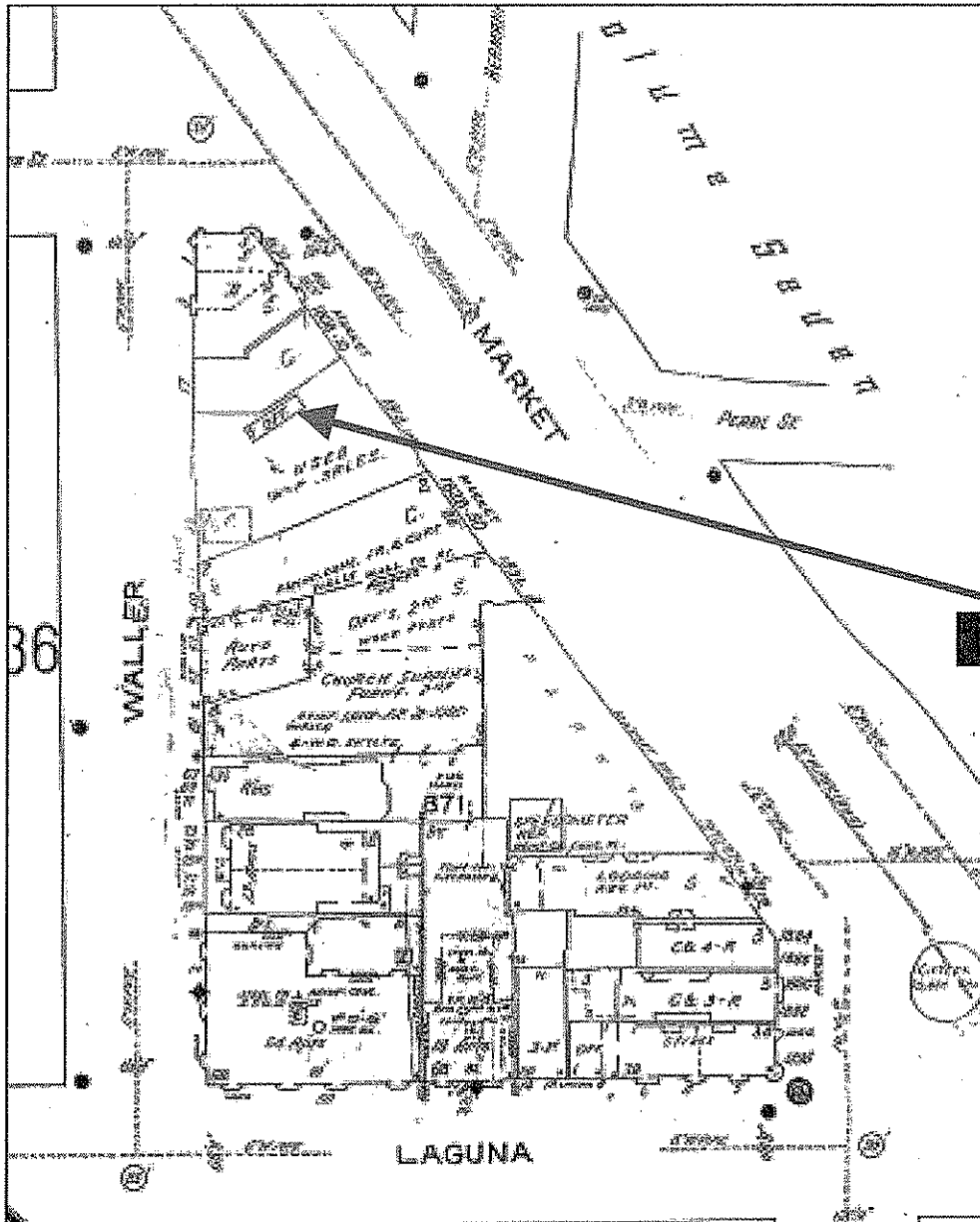


SUBJECT PROPERTY



Case Number 2010.0335TZ
1800 Market Street SUD
B/L: 0871/014

Sanborn Map*

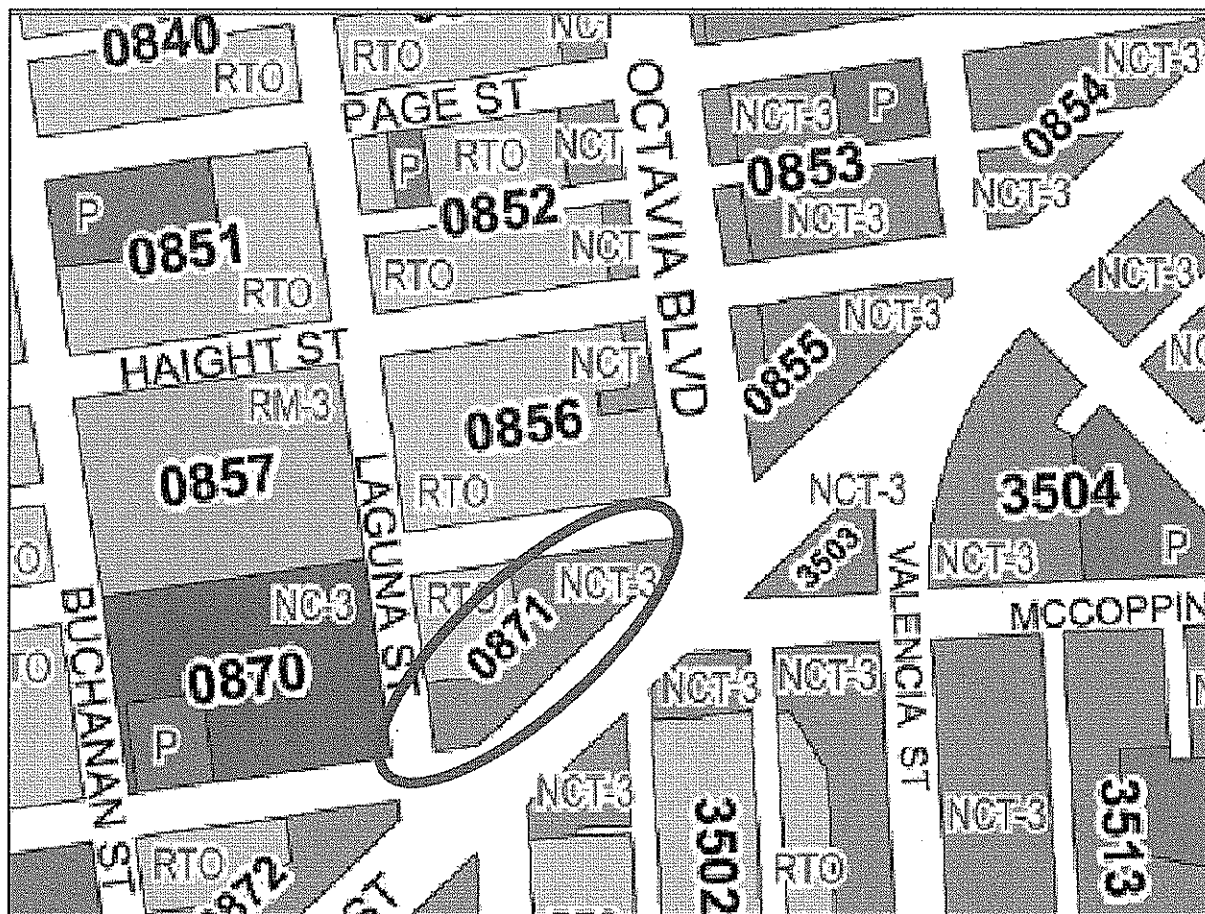


**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



Case Number 2010.0335TZ
1800 Market Street SUD
B/L: 0871/014

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
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RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1	RM-2	RM-3	RM-4
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NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1	NC-2	NC-3	NC-4	NC-5
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SOUTH OF MARKET MIXED USE DISTRICTS

SPD	RED	RSD	SLR	SLI	SSD
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COMMERCIAL DISTRICTS

C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-O(SD)
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INDUSTRIAL DISTRICTS

C-W	M-1	M-2
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CHINATOWN MIXED USE DISTRICTS

CRNC	CVR	CCB
------	-----	-----

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3	RC-4
------	------

REDEVELOPMENT AGENCY DISTRICTS

MB-RA	HP-RA
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DOWNTOWN RESIDENTIAL DISTRICTS

RH-DTR	TE-DTR
--------	--------

MISSION BAY DISTRICTS

MB-OS	MB-O
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PUBLIC DISTRICT

P



Case Number 2010.0335TZ
 1800 Market Street SUD
 B/L: 0871/014

Aerial Photo



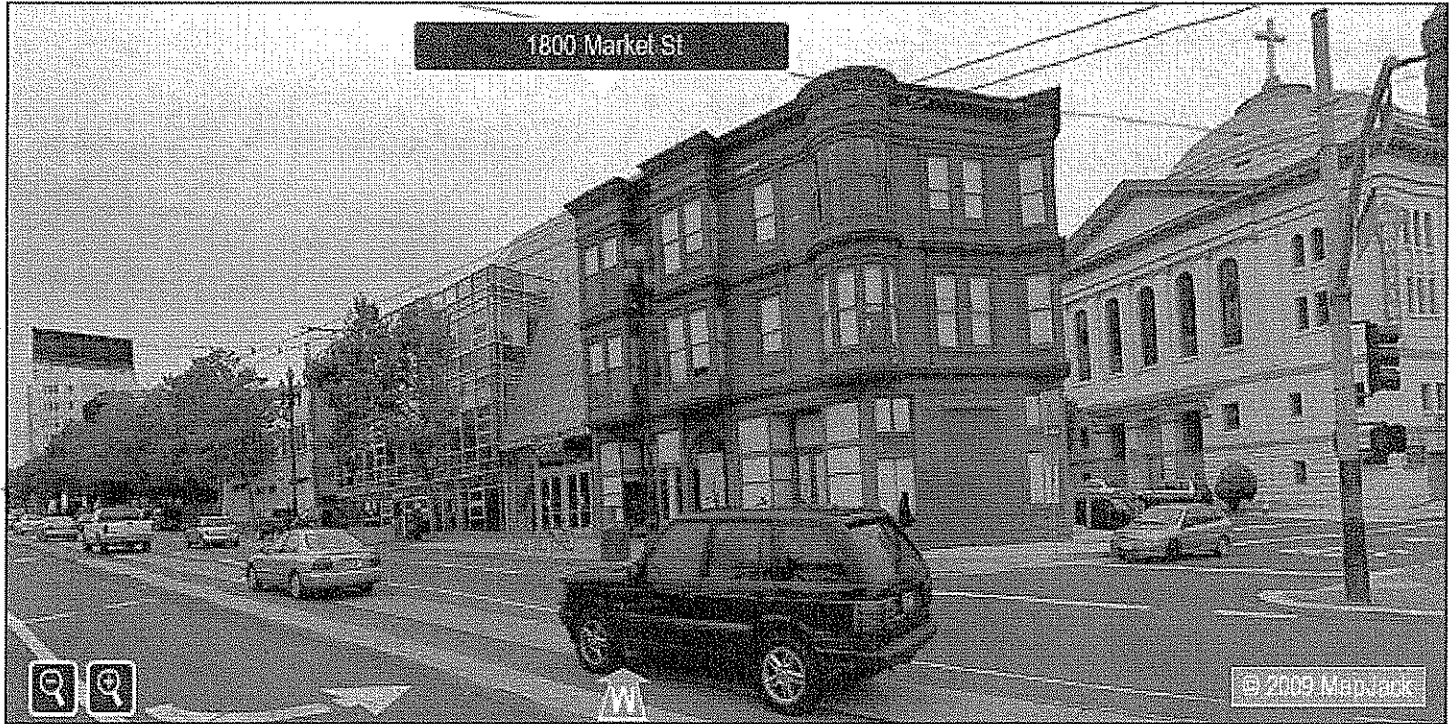
SUBJECT PROPERTY



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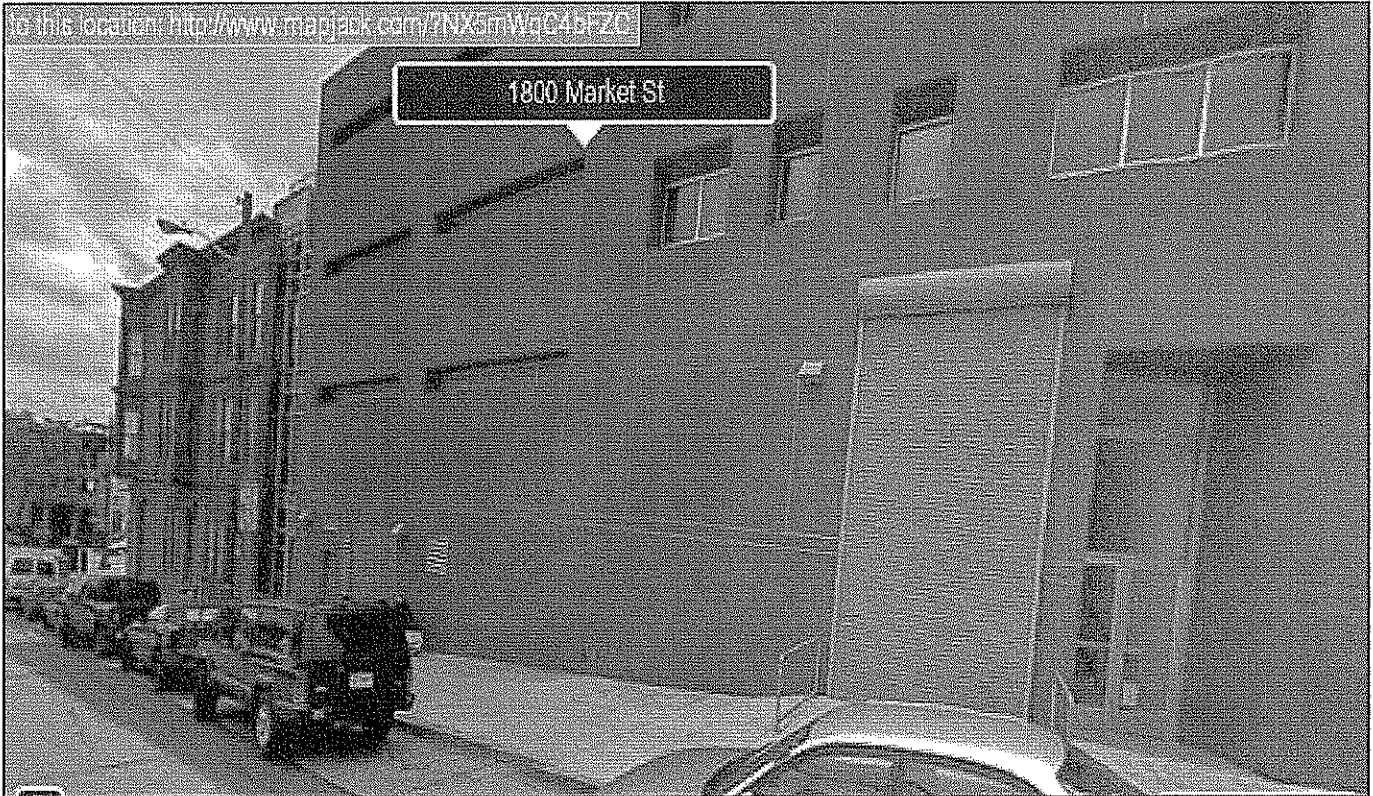
Site Photo

Market Street Façade



Site Photo

Waller Street Facade



Case Number 2010.0335TZ
1800 Market Street SUD
B/L: 0871/014