

1 [Zoning – Interim Moratorium on Formula Retail Uses in the Western South of Market Area.]

2
3 **Urgency Ordinance approving an interim zoning moratorium on the establishment of**
4 **formula retail uses in the Western South of Market in the area generally bounded by**
5 **Mission Street to the north, Townsend Street to the south, Division Street to the west**
6 **and 4th Street to the east, and consisting of the blocks and lots specifically set forth;**
7 **and adopting findings including environmental findings and findings of consistency**
8 **with the General Plan and the Priority Policies of Planning Code Section 101.1(b).**

9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
15 ordinance will serve the public necessity, convenience and welfare for the reasons set forth
16 below.

17 (1) In 2004, the San Francisco Planning Commission removed the area of the City
18 referred to as Western South of Market ("Western SoMa") from the Eastern Neighborhoods
19 rezoning process and declared that the zoning of Western SoMa would not be considered
20 again until the area had undergone a comprehensive community-based planning process.

21 (2) In November, 2004, the Board of Supervisors adopted Resolution No. 731-04,
22 establishing the 22-member Western SoMa Citizens Planning Task Force. Resolution No.
23 731-04 became effective on December 1, 2004.

24 (3) The Resolution states that the mixed-use character of Western SoMa, which
25 includes service and light industrial jobs, residential uses, and arts and entertainment

1 opportunities, helps to define what is unique and desirable about living in Western SoMa. It
2 further states that there is a need for more community-based retail and commercial uses.

3 (4) Resolution 731-04 charges the Task Force with advising the Board of
4 Supervisors and the Planning Commission on planning for Western SoMa and carrying out a
5 number of duties, including recommending policies that promote more community-serving
6 retail and commercial uses.

7 (5) In April, 2004, the City adopted Planning Code Section 703.3, which defined a
8 formula retail use and either permitted it, authorized it as a conditional use, or prohibited it in
9 various areas of the City. In adopting Section 703.3, this Board found that the increase in
10 formula retail stores in San Francisco had a number of undesirable effects, including
11 hampering the City's goal of a diverse retail base with distinct neighborhood retailing
12 personalities comprised of a mix of businesses.

13 (6) Allowing unregulated formula retail uses in the Western SoMa while permanent
14 planning controls for this area are being considered would be against the public interest. This
15 temporary zoning moratorium on formula retail uses in the Western SoMa will allow the status
16 quo to be maintained while the Western SoMa Citizens Task Force finalizes its
17 recommendations to the Board and the Planning Commission and permanent controls are
18 being debated and adopted.

19 (b) The Board of Supervisors finds that this ordinance is consistent with the General
20 Plan and the Priority Policies of Planning Code Section 101.1(b) because it furthers the
21 objective that existing neighborhood-serving retail uses be preserved and enhanced (Priority
22 Policy No. 1). It has no effect on the other Priority Policies.

23 (c) The Planning Department has completed environmental review of this ordinance
24 pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and
25

1 Chapter 31 of the San Francisco Administrative Code. Documentation of that review is on file
2 with the Clerk of the Board of Supervisors in File No. _____.

3 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
4 Ordinance: No formula retail use, as defined in Planning Code Section 703.3, shall be
5 permitted in the Western South of Market Area generally bounded by Mission Street to the
6 north, Townsend Street to the south, Division Street to the west and 4th Street to the east,
7 and consisting of the following blocks and lots:

- 8 Block 3509, excluding Lots 018, 019, 036, 037, 040, 042, and 043
- 9 Block 3510, excluding Lots 001, 049, and 057
- 10 Block 3511, excluding Lots 001, 074, 075, 080, and 082
- 11 Block 3515
- 12 Block 3516
- 13 Block 3517
- 14 Block 3518
- 15 Block 3519
- 16 Block 3520
- 17 Block 3521
- 18 Block 3522
- 19 Block 3523
- 20 Block 3524
- 21 Block 3525
- 22 Block 3727, excluding Lots 085, 091, 094, 096, 097, 101, 102, 103, 109, 117, 118, 120, 130,
23 134, and 168
- 24 Block 3728, excluding Lots 001, 072, 075, 076, 081, 092, 093, and 105/116
- 25 Block 3729
- Block 3730
- Block 3733, excluding Lots 008, 093, 108, and 109
- Block 3752, excluding Lots 001, 002, 003, 009, 010, 011, and 011A
- Block 3755
- Block 3756
- Block 3757
- Block 3758
- Block 3759
- Block 3760
- Block 3761
- Block 3777, excluding Lots 001, 002, 003, 017, 019, 020, 030, 031, 032, 033, and 034
- Block 3778

1 Block 3779
2 Block 3784
3 Block 3785
4 Block 3786, excluding Lots 035, 038, 104/106, and 107/160

5 This interim Zoning Moratorium shall remain in effect for 45 days unless extended in
6 accordance with California Government Code Section 65858 or until permanent controls are
7 adopted, whichever first occurs.

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

10 By: JUDITH A. BOYAJIAN
11 Deputy City Attorney
12
13
14
15
16
17
18
19
20
21
22
23
24
25