

BOARD of SUPERVISORS



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MEMORANDUM

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

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

DATE: September 27, 2016

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

The Board of Supervisors' Land Use and Transportation Committee has received the following 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. 161024

Resolution extending interim zoning controls that require conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for specified Assessor's Parcel Block and Lot Nos. listed herein, for six months; and making environmental findings, including findings of consistency with 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

1 [Extending Interim Zoning Controls - New Ground Floor Office Uses Facing 2nd Street - King
2 and Folsom Streets]

3 **Resolution extending interim zoning controls that require conditional use authorization**
4 **for new office uses facing 2nd Street, from King to Folsom Streets, for specified**
5 **Assessor's Parcel Block and Lot Nos. listed herein, for six months; and making**
6 **environmental findings, including findings of consistency with the eight priority**
7 **policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim
10 zoning controls to accomplish several objectives, including preservation of residential and
11 mixed residential and commercial areas in order to preserve the existing character of such
12 neighborhoods and areas, and development and conservation of the commerce and industry
13 of the City in order to maintain the economic vitality of the City, to provide its citizens with
14 adequate jobs and business opportunities, and to maintain adequate services for its residents,
15 visitors, businesses and institutions; and

16 WHEREAS, San Francisco needs to promote its vibrant small neighborhood-serving
17 retail sector and create a supportive environment for small neighborhood businesses and
18 retail. One of the eight Priority Policies of the City's General Plan resolves that "existing
19 neighborhood-serving retail uses be preserved and enhanced and future opportunities for
20 resident employment in and ownership of such businesses enhanced"; and

21 WHEREAS, Neighborhood-serving commercial uses are the land uses most critical to
22 the success of the City's commercial districts, and ground floor neighborhood-serving retail is
23 critical to maintain vibrant mixed used districts; and

1 WHEREAS, In 2011, the Planning Department began the process to develop an
2 integrated community vision for the southern portion of the Central Subway rail corridor,
3 located generally from 2nd to 6th Streets, and between Townsend and Market Streets (the
4 “Central SoMa Plan”); and

5 WHEREAS, The Central SoMa Plan proposes to build off the neighborhood's success,
6 while addressing many of its challenges, with a comprehensive strategy that will address such
7 issues as land use, building size and heights, transportation, the public realm, preservation of
8 historic buildings and environmental sustainability; and

9 WHEREAS, In recent years, there has been high development demand within the
10 Central SoMa Plan area, and in the South of Market area more generally; and

11 WHEREAS, This demand is mostly for residential and office uses; and

12 WHEREAS, As part of the Central SoMa Plan, the Planning Department and the
13 community will consider how can the City best accommodate this growing development
14 demand while preserving and enhancing the neighborhood qualities and character that make
15 the area the dynamic place that it is today; and

16 WHEREAS, As part of that effort, the Department will consider how to preserve and
17 enhance ground-floor neighborhood-serving retail; and

18 WHEREAS, On October 28, 2014, the Board of Supervisors adopted Resolution No.
19 402-14 (File No. 140016), which imposed interim controls intended to address the pressure to
20 develop new, non-neighborhood-serving office uses in a particular subsection of the Central
21 SoMa Plan area and the area immediately adjacent to it: the area close to South Park, on 2nd
22 Street, between King and Folsom Streets, by requiring conditional use authorization for such
23 establishments uses for a period of eighteen months; and

24 WHEREAS, The circumstances that led to the adoption of Resolution No. 402-14,
25 namely, the intense development demand that exists in the area, still persist today; and

1 WHEREAS, This Board has considered the impact on the public health, safety, peace,
2 and general welfare if the interim controls proposed herein were not extended; and

3 WHEREAS, This Board has determined that the public interest will be best served by
4 extension of these interim controls at this time, in order to ensure that the planning and
5 legislative scheme which may be ultimately adopted is not undermined during the planning
6 and legislative process for permanent controls; and

7 WHEREAS, The Planning Department has determined that the actions contemplated in
8 this Resolution are in compliance with the California Environmental Quality Act (California
9 Public Resources Code, Section 21000 et. seq.); and

10 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
11 File No. _____ and is incorporated here by reference; now, therefore, be it

12 RESOLVED, Pursuant to Planning Code, Section 306.7, the Board of Supervisors, by
13 this Resolution, hereby prohibits any City agency, board, commission, officer or employee
14 from approving any site permit, building permit or any other permit or license authorizing the
15 establishment of any new office uses, as defined herein, on the ground floor on properties
16 facing 2nd Street, between King and Folsom Streets, unless the action would conform both to
17 the existing provisions of the Planning Code and this Resolution; and, be it

18 FURTHER RESOLVED, That for the purpose of these interim controls “office uses”
19 shall be defined in Planning Code, Section 890.70 , but shall not include Neighborhood-
20 Serving Businesses as defined in Planning Code, Section 890.68; and, be it

21 FURTHER RESOLVED, That as of the effective date of this Resolution, the
22 establishment of new office uses on the ground floor facing 2nd Street, between King and
23 Folsom Streets, shall be subject to a conditional use authorization; and, be it

24 FURTHER RESOLVED, That these interim zoning controls shall apply to properties
25 facing 2nd Street, between King and Folsom Streets, or more specifically, to the following

1 Assessor's Parcel Block and Lot Nos.: Block No. 3774, Lot Nos. 045, 067, 123, 031, 044, 191;
2 Block No. 3788, Lot Nos. 006, 037, 043, 049, 038, 002, 044; Block No. 3775, Lot Nos. 008,
3 181, 002, 005, 001, 004; Block No. 3764, Lot Nos. 068, 067, 014, 071; Block No. 3794, Lot
4 Nos. 015, 002, 002B, 291; Block No. 3749, Lot No. 062; Block No. 3763, Lot Nos. 006, 007,
5 113, 001, 112; Block No. 3789, Lot Nos. 858, 007, 008; Block No. 3750, Lot Nos. 003, 073,
6 087; and Block No. 3793, Lot No. 005; and, be it

7 FURTHER RESOLVED, That any office use on the ground floor lawfully existing prior
8 to the effective date of Resolution No. 402-14 is exempt from these interim controls, unless it
9 ceases to operate or discontinues operation for 90 days or longer, in which event the use shall
10 be deemed abandoned; and, be it

11 FURTHER RESOLVED, These controls shall not apply to buildings with more than
12 1,500 square footage of ground floor retail, as long as a minimum of 1,500 square footage of
13 retail is preserved; and, be it

14 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
15 Commission shall consider, in addition to the criteria listed in Planning Code, Section 303, the
16 effect of the proposed new offices on the ground floor. In so doing, the Commission shall take
17 into consideration the effect of the proposed office on existing neighborhood-serving retail
18 uses, as directed by Planning Code, Section 101.1; and, be it

19 FURTHER RESOLVED, That these interim controls shall remain in effect for six
20 months from the expiration of the interim zoning controls established by Resolution No. 402-
21 14, or until the adoption of permanent legislation regarding the Central SoMa Plan, whichever
22 first occurs; and, be it

23 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
24 with the eight priority policies of Planning Code, Section 101.1, particularly Policies 1 and 2,
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1 in that they attempt to preserve and enhance the character and vitality of one of the City's
2 neighborhoods; and, be it

3 FURTHER RESOLVED, With respect to Priority Policies 3, 4, 5, 6, 7, and 8, the Board
4 finds that these interim zoning controls do not have an effect and will not conflict with said
5 policies.

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

10 By:


11 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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