

1 [Interim Zoning Controls - Conditional Use for Restaurants and Storefront Mergers]

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3 **Resolution imposing interim zoning controls to require that for a 15-month period a**
4 **Conditional Use authorization is required for a proposed restaurant use and for a**
5 **commercial storefront merger resulting in a non-residential use size of 2,000 gross**
6 **square feet or larger in the area generally defined by the following boundaries: 13th,**
7 **Duboce, and Division Streets to the north, Mission Street to the west (including any**
8 **parcel with a property line on either side of Mission Street), Cesar Chavez Street to the**
9 **south, and Potrero Avenue to the east; affirming the Planning Department's**
10 **determination under the California Environmental Quality Act; and making findings of**
11 **consistency with the General Plan, and the eight priority policies of Planning Code,**
12 **Section 101.1.**

13
14 WHEREAS, Planning Code, Section 306.7 authorizes the Planning Commission or the
15 Board of Supervisors to impose interim zoning controls to allow time for the orderly completion
16 of a planning study and the adoption of appropriate legislation, and to ensure that the
17 legislative scheme which may be ultimately adopted is not undermined during the planning
18 and legislative process by changes of use or approval actions which will conflict with that
19 scheme; and

20 WHEREAS, The Planning Department and other City staff are currently working with
21 the community on the Mission Action Plan (MAP) 2020, which is a collaboration between
22 community organizations and the City to create more housing and economic stability in the
23 Mission; and

24 WHEREAS, The Mission District has seen a rapid increase in the number of new
25 restaurant uses within its neighborhood commercial districts and light industrial areas; and

1 WHEREAS, The City's neighborhood commercial districts and light industrial areas are
2 where existing neighborhood-serving retail uses are found and from where the neighborhood
3 character is largely derived; and

4 WHEREAS, An overconcentration of restaurants may crowd out existing neighborhood-
5 serving retail establishments, and adversely alter the existing neighborhood character and its
6 cultural and economic diversity; and

7 WHEREAS, The neighborhood commercial districts feature many smaller-sized
8 commercial tenant spaces which, owing to their size, are affordable to a greater number of
9 merchants; and

10 WHEREAS, The smaller tenant spaces also lend to the character and economic
11 diversity of the Mission District, as they provide opportunities for smaller and local merchants
12 to own or operate businesses and employ local residents; and

13 WHEREAS, The Guidelines for Specific Uses contained in the Neighborhood
14 Commerce section of the General Plan's Commerce and Industry Element recognizes that the
15 balance of commercial uses may be threatened when eating and drinking establishments
16 occupy too much commercial frontage; and

17 WHEREAS, On March 2, 2017, and amended on April 10, 2017, the Planning
18 Commission adopted Resolution No. 19865, which, in the area bounded by 13th, Duboce, and
19 Division Streets to the north, Mission Street to the west (including parcels with a property line
20 on either side of Mission Street), Cesar Chavez Street to the south, and Potrero Avenue to the
21 east, 1) imposed for nine months a new interim control requiring a Conditional Use
22 authorization for any change of use to a restaurant from any other use and 2) extended
23 previously-imposed interim controls for an additional nine months; and

1 WHEREAS, The interim controls imposed by the Planning Commission in Resolution
2 No. 19865 expire on January 14, 2018, and the Board of Supervisors wishes to adopt an
3 interim control that extends the existing control on restaurant uses for the remainder of the
4 time allowed under Planning Code, Section 306.7 and imposes a new interim control on
5 commercial storefront mergers; and

6 WHEREAS, In Resolution No. 19865, the Planning Commission found that the interim
7 control on restaurant use was in conformity with the General Plan, and the eight priority
8 policies of Planning Code, Section 101.1; and

9 WHEREAS, The Board of Supervisors finds that this interim control on restaurant uses
10 is consistent with the General Plan, and with the eight priority policies of Planning Code,
11 Section 101.1 for the reasons set forth in Planning Commission Resolution No. 19865, a copy
12 of which is on file with the Clerk of the Board of Supervisors in File No. 171290 and is
13 incorporated herein by reference, and the findings of which the Board adopts as its own; and

14 WHEREAS, The Board finds that this interim control on commercial storefront mergers
15 is consistent with Policy 6.1 of the Neighborhood Commerce section of the General Plan's
16 Commerce and Industry Element ["Ensure and encourage the retention and provision of
17 neighborhood-serving goods and services in the city's neighborhood commercial districts,
18 while recognizing and encouraging diversity among the districts"], with Policy 1 of the eight
19 priority policies of Planning Code, Section 101.1 ["that existing neighborhood-serving retail
20 uses be preserved and enhanced and future opportunities for resident employment in and
21 ownership of such businesses enhanced"], and with Policy 2 of the eight priority policies of
22 Planning Code, Section 101.1 ["that existing housing and neighborhood character be
23 conserved and protected in order to preserve the cultural and economic diversity of our
24 neighborhoods"], in that the interim control addresses the effects of the merger of commercial
25

1 storefronts on neighborhood-serving retail, neighborhood character, and neighborhood
2 economic diversity; and

3 WHEREAS, The Board further finds that these interim controls on restaurant uses and
4 commercial storefront mergers do not have an effect on Policies 3 through 8 of Planning
5 Code, Section 101.1; and

6 WHEREAS, The Board has considered the impact on the public health, safety, peace,
7 and general welfare if these proposed interim controls are not imposed; and

8 WHEREAS, The Board has determined that the public interest will best be served by
9 imposition of these interim controls at this time, to ensure that the legislative scheme that may
10 ultimately be adopted to regulate new restaurants and the size of commercial uses in the
11 Mission District is not undermined during the planning and legislative process; and

12 WHEREAS, The Planning Department has determined that the actions contemplated in
13 this Resolution comply with the California Environmental Quality Act (California Public
14 Resources Code, Sections 21000 et seq.), which determination is on file with the Clerk of the
15 Board of Supervisors in File No. 171290, and the Board hereby affirms and incorporates said
16 determination herein by reference; now, therefore, be it

17 RESOLVED, That as of the effective date of this Resolution, unless otherwise
18 prohibited, any proposed Restaurant use (as defined in Planning Code, Section 102) in the
19 area bounded by 13th, Duboce, and Division Streets to the north, Mission Street to the west
20 (including parcels with a property line on either side of Mission Street), Cesar Chavez Street
21 to the south, and Potrero Avenue to the east, must obtain Conditional Use authorization from
22 the Planning Commission pursuant to Planning Code, Section 303; and, be it

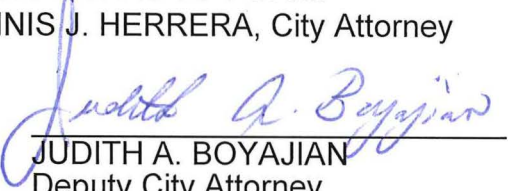
23 FURTHER RESOLVED, That as of the effective date of this Resolution, any proposed
24 commercial storefront merger in the area bounded by 13th, Duboce, and Division Streets to
25 the north, Mission Street to the west (including parcels with a property line on either side of

1 Mission Street), Cesar Chavez Avenue to the south, and Potrero Avenue to the east that
2 would result in a Non-Residential Use Size (as defined in Planning Code Section 102) of
3 2,000 square feet or larger must obtain Conditional Use authorization from the Planning
4 Commission pursuant to Planning Code Section 303; and be it

5 FURTHER RESOLVED, That these interim controls shall remain in effect for 15
6 months from the effective date of this Resolution, or until the adoption of permanent legislation
7 regulating Restaurant uses and Commercial Use sizes in the area covered by these interim
8 controls, whichever first occurs.

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

12 By:


13 JUDITH A. BOYAJIAN
14 Deputy City Attorney

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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 171290

Date Passed: January 09, 2018

Resolution imposing interim zoning controls to require that for a 15-month period a Conditional Use authorization is required for a proposed restaurant use and for a commercial storefront merger resulting in a non-residential use size of 2,000 gross square feet or larger in the area generally defined by the following boundaries: 13th, Duboce, and Division Streets to the north, Mission Street to the west (including any parcel with a property line on either side of Mission Street), Cesar Chavez Street to the south, and Potrero Avenue to the east; 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.

January 08, 2018 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

January 09, 2018 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 171290

I hereby certify that the foregoing Resolution was ADOPTED on 1/9/2018 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of London Breed
Acting Mayor
London Breed

Handwritten date 1/19/2018
Date Approved