



# SAN FRANCISCO PLANNING DEPARTMENT

May 11, 2018

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

**Re: Transmittal of Planning Department Six-month Report for the Interim Zoning Controls Requiring Conditional Use Authorization for Restaurants and Storefront Mergers in the Mission Interim Controls Area  
Board File No. 171290/Enactment Number 006-18**

Dear Ms. Calvillo and Supervisor Ronen,

On January 19, 2018, the Board of Supervisors enacted a resolution (Enactment No. 006-18) that imposed interim zoning controls to require Conditional Use authorization for Restaurants and Storefront Mergers in the Mission Interim Controls Area. The interim controls were established to last for 15 months from the effective date

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of the zoning proposal(s) contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. For any control that is placed in effect for more than six months, a report to the Board of Supervisors is required six months from the date of the imposition of the controls and at least every six months thereafter. The attached report is intended to satisfy that requirement.

If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", written over a horizontal line.

Aaron D. Starr  
Manager of Legislative Affairs

cc:

Judith A. Boyajian, Deputy City Attorney  
Amy Beinart Aide to Supervisor Ronen  
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Department Interim Controls Six Month Report

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Suite 400  
San Francisco,  
CA 94103-2479

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Department Report Interim Zoning Controls

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

*To:* Angela Calvillo, Clerk of the Board  
*From:* Diego R Sánchez, Senior Planner, Legislative Affairs  
*Date:* May 11, 2018  
*Regarding:* Six-month Report for the Interim Zoning Controls Requiring Conditional Use Authorization for Restaurants and Storefront Mergers in the Mission Interim Controls Area  
*Reporting Date:* June 19, 2018  
*Expiration Date:* April 19, 2019  
*Case Number:* Board File No. 171290/ Enactment Number 006-18

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### STATEMENT OF PURPOSE

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of the zoning proposal(s) contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. For any control that is placed in effect for more than six months, a report to the Board of Supervisors is required six months from the date of the imposition of the controls and at least every six months thereafter. This report is intended to satisfy that requirement.

### BACKGROUND

On January 19, 2018, the Board of Supervisors enacted a resolution (Enactment No. 006-18) that imposed interim zoning controls to require Conditional Use authorization for Restaurants and Storefront Mergers in the Mission Interim Controls Area. The interim controls were established to last for 15 months from the effective date.

### REQUIRED ANALYSIS

Per Planning Code Section 306.7, this report is required to address the interim controls; any required study; and an estimate the timeline needed to create permanent controls.

#### (1) Status of Interim Controls:

On January 9, 2018, the Board of Supervisor adopted Board File 171290, establishing the interim controls described below. This resolution was signed by the Mayor on January 19, the same day it became effective.

#### **Summary of Interim Controls**

The interim controls require Conditional Use authorization for (1) changes of use to Restaurant uses and (2) storefront mergers resulting in a Non-Residential Use Size of 2,000 gross square feet or larger within the Mission Interim Controls Area (*see map below*).

These interim zoning controls were established for 15 months from the effective date of the Resolution, or until the adoption of permanent legislation regulating Restaurant uses and Commercial Use sizes in the area covered by these interim controls, whichever first occurs.

**(2) Findings and Recommendations To Date:**

**Study**

The Interim Controls were passed to allow for the current Mission Action Plan (MAP) 2020 process to continue to study and generate land use controls aimed at the Mission neighborhood retail corridors. MAP 2020 is a collaboration between the City and community organizations to create more housing and economic stability in the Mission neighborhood. Strategies are developed and considered in an iterative, community involved process. This, by nature, is a lengthy process.

The interim controls state that the Mission District has seen a rapid increase in the number of new restaurant uses within the neighborhood commercial and light industrial areas. These are areas where existing neighborhood-serving retail uses are found and from where neighborhood character is largely derived. An overconcentration of restaurant uses may crowd out neighborhood-serving retail uses. This would adversely alter the existing neighborhood character as well as its cultural and economic diversity.

The interim controls also note that many smaller-sized commercial spaces, generally leased at lower rates due to their size, are also found in the neighborhood commercial areas. These smaller-sized commercial spaces also lend to the character and economic diversity of the Mission District. They provide opportunities for small and local merchants to own or operate businesses and are a venue to employ local residents. Maintaining these spaces is also vital to neighborhood character.

Through MAP 2020 the City and community stakeholders will continue to study and generate land uses controls aimed at preserving and enhancing the retail corridors in the Mission neighborhood. The intention is to have a set of permanent land use controls introduced at the Board of Supervisors in the summer of 2018. This would allow the permanent controls to become effective by winter 2018.

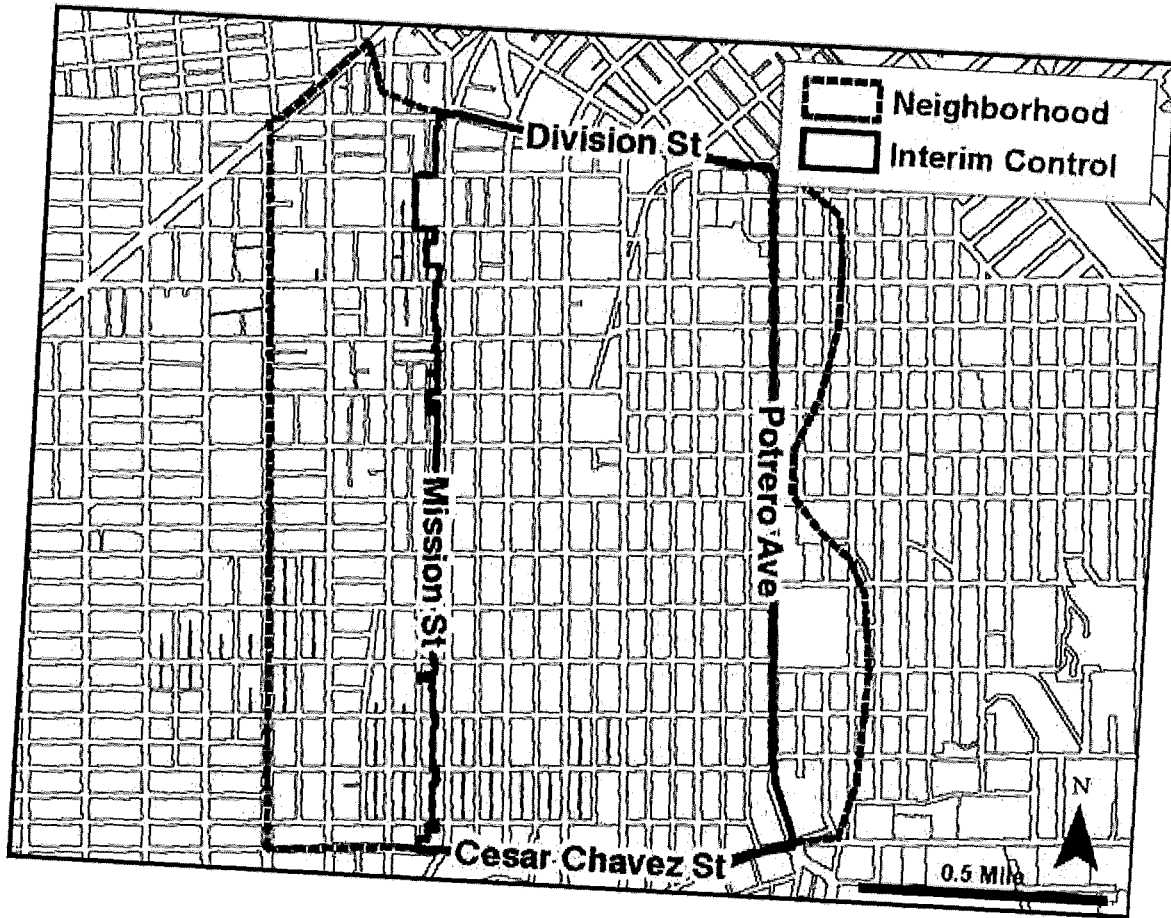
**Estimated Completion Time of Study**

The study of potential permanent controls is still in the process; permanent controls are scheduled to be introduced in the summer of 2018. The next few months will provide the City Family additional time to draft a more comprehensive regulatory structure for the retail controls in the Mission neighborhood.

**REQUIRED BOARD ACTION**

This Report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.

Mission Interim Controls Area Map



**Boundaries:** Generally, Duboce, 13<sup>th</sup> and Division Street to Mission Street, to Cesar Chavez Avenue, to Potrero Avenue and back to Division Street. The Mission Street boundary includes any parcel with a property line on either side of Mission Street.

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

2  
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

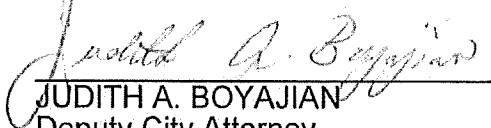


1 Mission Street), Cesar Chavez Avenue to the south, and Potrero Avenue to the east that  
2 would result in a Non-Residential Use Size (as defined in Planning Code Section 102) of  
3 2,000 square feet or larger must obtain Conditional Use authorization from the Planning  
4 Commission pursuant to Planning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

9  
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.

Angela Calvillo  
Clerk of the Board

Acting Mayor  
London Breed

Date Approved