

BOARD of SUPERVISORS



City Hall  
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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: October 26, 2017

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. 171122**

**Resolution imposing interim zoning controls for an 18-month period in the Excelsior Outer Mission Neighborhood Commercial District and areas in Supervisorial District 11 zoned Small-Scale Neighborhood Commercial District (NC-2), Moderate-Scale Neighborhood Commercial District (NC-3), Neighborhood Commercial Shopping Center District (NC-S), Small-Scale Neighborhood Commercial Transit District (NCT-2), and Moderate-Scale Neighborhood Commercial Transit District (NCT-3), to require a Conditional Use authorization for the following new Uses (or existing Uses operating without proper approvals and permits) in areas where such Uses currently are permitted: all Institutional Uses located on the First Story, certain categories of Institutional Uses located on any Story, and a Personal Service Use operating as a salon and/or providing cosmetic services and located on the First Story; to require a Conditional Use authorization for the conversion of any Commercial Use to a Residential Use; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and priority policies in 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.

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**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

**No Comment**

**Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

c: Menaka Mahajan, Small Business Commission

1 [Interim Zoning Controls - Supervisorial District 11 - Institutional Uses, Certain Personal  
2 Service Uses, and Conversion of Commercial to Residential Use]

3 **Resolution imposing interim zoning controls for an 18-month period in the Excelsior**  
4 **Outer Mission Neighborhood Commercial District and areas in Supervisorial District 11**  
5 **zoned Small-Scale Neighborhood Commercial District (NC-2), Moderate-Scale**  
6 **Neighborhood Commercial District (NC-3), Neighborhood Commercial Shopping Center**  
7 **District (NC-S), Small-Scale Neighborhood Commercial Transit District (NCT-2), and**  
8 **Moderate-Scale Neighborhood Commercial Transit District (NCT-3), to require a**  
9 **Conditional Use authorization for the following new Uses (or existing Uses operating**  
10 **without proper approvals and permits) in areas where such Uses currently are**  
11 **permitted: all Institutional Uses located on the First Story, certain categories of**  
12 **Institutional Uses located on any Story, and a Personal Service Use operating as a**  
13 **salon and/or providing cosmetic services and located on the First Story; to require a**  
14 **Conditional Use authorization for the conversion of any Commercial Use to a**  
15 **Residential Use; affirming the Planning Department’s determination under the**  
16 **California Environmental Quality Act; and making findings of consistency with the**  
17 **General Plan, and priority policies in Planning Code, Section 101.1.**

18 WHEREAS, On October 15, 2015, the Public Safety and Neighborhood Services  
19 Committee of the Board of Supervisors held a hearing on the efforts by City agencies to  
20 address persistently blighted residential and commercial properties, vacant buildings and  
21 commercial storefronts, unauthorized businesses, and illegal activity in Supervisorial District  
22 11 (“District 11”); and

23 WHEREAS, At the public hearing, there was testimony that in addition to illegal uses  
24 and activities, District 11 had one of the highest numbers of vacant buildings and commercial  
25 storefronts in the City; and

1           WHEREAS, In April, 2017, the Planning Department and Office of Economic and  
2 Workforce Development, together with the Office of the District 11 Supervisor, began the  
3 process of outreach to neighborhood stakeholders in order to develop a vision for improving  
4 and enhancing the Excelsior, Outer Mission, Mission Terrace, Crocker Amazon, and Cayuga  
5 neighborhoods; and

6           WHEREAS, The Planning Department and Office of Economic and Workforce  
7 Development are conducting a Neighborhood Strategy planning study to review the existing  
8 zoning and diversity of uses in the neighborhoods named above and to propose appropriate  
9 changes; and

10           WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning  
11 controls to allow for the orderly completion of a planning study and to ensure that the  
12 legislative scheme which may ultimately be adopted is not undermined during the planning  
13 and legislative process by the approval or issuance of permits authorizing the establishment  
14 or change of uses which will conflict with that scheme; and

15           WHEREAS, Prior to the orderly completion of the Neighborhood Strategy planning  
16 study and adoption of appropriate legislation, the Board of Supervisors ("Board") wishes to  
17 address the existing problems in District 11 of Institutional Uses operating without required  
18 permits or controls, the proliferation of certain Personal Service Uses in commercial corridors,  
19 and the unauthorized conversion of Commercial Use to Residential Use; and

20           WHEREAS, The Board has considered the impact of the public health, safety, peace,  
21 and general welfare if the interim controls proposed herein are not imposed; and

22           WHEREAS, The Board has determined that the public interest will best be served by  
23 imposition of these interim controls in order to ensure that the comprehensive legislative  
24 scheme that may be ultimately adopted is not undermined during the planning and legislative  
25 process for permanent controls; and

1           WHEREAS, The Planning Department has determined that the actions contemplated  
2 by this Resolution are in compliance with the California Environmental Quality Act (California  
3 Public Resources Code, Sections 21000 et seq.), which determination is on file with the Clerk  
4 of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference,  
5 and the Board hereby affirms that determination; and

6           WHEREAS, The Board has determined that these interim controls are not in conflict  
7 with and hence are consistent with the Priority Policies of Planning Code, Section 101.1 and  
8 the General Plan; now, therefore, be it

9           RESOLVED, That in the Excelsior Outer Mission Neighborhood Commercial District  
10 and the areas within the boundaries of Supervisorial District 11 that are zoned NC-2, NC-3,  
11 NC-S, NCT-2, and NCT-3:

12           (1) all new Institutional Uses and any existing Institutional Use operating without the  
13 required approvals and permits shall obtain a Conditional Use authorization from the Planning  
14 Commission for a location on the First Story in those areas where they currently are  
15 permitted; and

16           (2) a new Institutional Use (or existing Institutional Use operating without the  
17 required approvals and permits) in the following categories shall obtain a Conditional Use  
18 authorization from the Planning Commission for a location on any Story in areas where they  
19 currently are permitted: Community Facility, Private Community Facility, Job Training,  
20 Religious Institution, and Social Service or Philanthropic Facility; and

21           (3) all new Personal Service Uses operating as a salon and/or providing cosmetic  
22 services, and any such use operating without the required approvals and permits, shall obtain  
23 a Conditional Use authorization from the Planning Commission for a location on the First  
24 Story in those areas where they currently are permitted; and

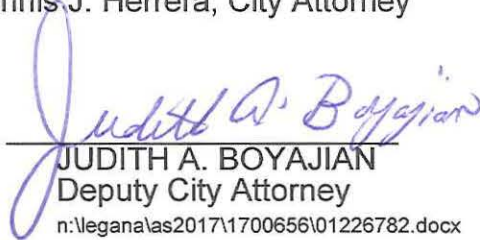
1 (4) a Conditional Use authorization from the Planning Commission is required for  
2 the conversion of any Commercial Use to a Residential Use; and, be it

3 FURTHER RESOLVED, That the above Uses and other terms shall be as defined in  
4 Section 102 of the Planning Code; and, be it

5 FURTHER RESOLVED, That these interim controls shall remain in effect for a period  
6 of 18 months unless extended in accordance with Planning Code Section 306.7(h) or until  
7 permanent controls are adopted, whichever shall first occur.

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9 APPROVED AS TO FORM:  
10 Dennis J. Herrera, City Attorney

11  
12 By

  
13 JUDITH A. BOYAJIAN  
14 Deputy City Attorney  
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