

1 [SSO Zoning District – Allowing Financial Service.]

2

3 **Ordinance amending the San Francisco Planning Code by amending Section 818 and**  
4 **adding Section 818.32 to Table 818 to allow a financial service use in an SSO**  
5 **(Service/Secondary Office) zoning district; adopting findings.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Findings. The Board of Supervisors makes the following findings

11 1. The South of Market Area (“SOMA”) has undergone dramatic changes around  
12 SBC Park (previously known as “Pacific Bell Park”) and implementation of the Mission Bay  
13 Plan. Within three blocks of SBC Park, many new residential units and offices have been  
14 completed or are under construction.

15 2. Approximately 4,185 dwelling units have been completed. An additional 1,845  
16 dwelling units are projected to be completed by mid-2004 and 681 dwelling units have been  
17 approved within a three-block radius of the SBC Park.

18 3. Approximately 185,000 square feet of new office space has been completed.  
19 An additional 48,000 square feet of office space is under construction within a three-block  
20 radius of SBC Park or the Mission Bay Area.

21 4. Financial institutions that provide full services are not a permitted use in any of  
22 the SOMA sub-zoning districts; however, automatic bank teller machines (“ATMs”) are  
23 principally permitted in all SOMA sub-zoning districts.

24 5. Currently, the only full-service financial institutions in the SOMA are Wells Fargo  
25 Bank and Bank of America, both of which are located at Fourth and Brannan Streets. The

1 prohibition of financial institutions in the SOMA has precluded smaller full-service financial  
2 institutions from competing in the SOMA with two of San Francisco's largest banks. Current  
3 and future residents and persons working in the area do not have easy access to financial  
4 institutions near where they reside or work and are compelled to use ATMs and to pay ATM  
5 fees to withdraw funds if they do not bank with Wells Fargo Bank or Bank of America. There  
6 is a need for additional financial institutions, especially full-service institutions in the SOMA.

7         6. There is a lack of ground floor commercial space available to financial service  
8 use in the SOMA. Competition for available retail space by financial institutions has a  
9 potential of increasing the rent, making such spaces less affordable to neighborhood-serving  
10 businesses.

11         7. To ensure that adequate financial services will be available to persons residing  
12 or working in the area without affecting current industrial users, the SSO (Service/Secondary  
13 Office) zoning districts should be appropriately expanded and the Planning Code should be  
14 amended to allow financial institution use in the SSO district. The limited expansion of the  
15 SSO district will make available more spaces for retail and other permitted uses and will help  
16 to stabilize ground floor commercial rents in the area around the SBC Park.

17         8. The area proposed to be reclassified from SLI (Service Light Industrial) to SSO  
18 consists of the lots on the north side of Townsend Street between Third and Fourth Streets  
19 and is outside of the South End Historic District. The south side of Townsend Street between  
20 the Embarcadero and Seventh Street is zoned MB-O (Mission Bay Office), where financial  
21 institutions are principal permitted uses. The north side of Townsend Street between Fourth  
22 and Fifth Streets is zoned SSO. In all of the options presented in the Community Plan for the  
23 Eastern Neighborhoods, the block face proposed to be rezoned to SSO is proposed to be  
24 reclassified to Neighborhood Commercial Transit or Neighborhood Commercial Moderate  
25 Scale.

1           9.       The block face proposed to be rezoned would extend the SSO district, which  
2 currently ends on the north side of Townsend Street and the west side of Fourth Street, to the  
3 northwest corner of Townsend and Third Streets, and is one block north of the SBC park and  
4 within one-block of the CalTrain Station. The recently completed mixed-use (residential-retail)  
5 development bounded by Townsend Street, Third Street, King Street and Fourth Street will  
6 contain a Safeway, a Border's book store, a Starbucks Coffee, restaurants, a Wells Fargo  
7 Bank and other retail services.

8           10.       During the Community Planning meetings, Planning Department staff indicated  
9 that they had no objection to including financial institutions as a principal permitted use in the  
10 SOMA and that the Planning Department would include financial institutions as a permitted  
11 use as part of the proposed permanent rezoning in the SOMA, especially in the area  
12 commonly referred to as East SOMA.

13           11.       Permanent rezoning of the SOMA cannot take place without completion of an  
14 environmental impact report. Adoption of permanent rezoning is not anticipated to be  
15 completed for another eighteen months to two years.

16           12.       The proposed reclassification of a limited area in the SOMA from SLI to SSO will  
17 allow new full-service financial institutions to service this new residential area in the SOMA  
18 and protect the existing neighborhood-serving retail businesses and services and other  
19 industrial uses while the permanent rezoning for the SOMA is undertaken.

20           13.       The proposed reclassification and the amendment to allow financial institutions  
21 in SSO districts contain safeguards designed to preserve existing industrial and  
22 neighborhood-serving retail businesses and services.

23           14.       The Board of Supervisors has reviewed and considered the information  
24 contained in the environmental review document dated \_\_\_\_\_, 200\_, contained in the  
25 Board of Supervisor's File Nos. \_\_\_\_\_, and concurs with the findings contained in the

1 Certificate of Categorical Exemption, and hereby incorporates those findings herein as though  
2 fully set forth. The Board further finds that there is no need to prepare additional  
3 environmental review pursuant to the requirements of the California Environmental Quality Act  
4 for the actions contemplated herein.

5 15. The proposed Planning Code amendment is consistent with Section 101.1(b) of  
6 the Planning Code in that:

7 A. The area proposed to be reclassified from SLI to SSO is limited in size. The  
8 financial service use requires conditional use authorization if it will occupy more than 3,999  
9 gross square feet, and is not permitted if it would displace existing neighborhood-serving uses  
10 or industrial uses. Therefore, the proposed reclassification and text amendment to allow a  
11 financial institutional use is unlikely to displace any neighborhood-serving uses and is  
12 consistent with the provisions of Section 101.1(b)(1).

13 B. The proposed ordinance, which limits financial services to ground floor  
14 commercial area, will not displace any residential use and will have no significant effect on the  
15 land use or visual effect of the area. Therefore, both the existing housing and neighborhood  
16 character will be preserved, consistent with the provisions of Section 101.1(b)(2).

17 C. The proposed ordinance will have no effect on the City's affordable housing  
18 supply in the SOMA because no dwelling units exist in the area proposed to be rezoned from  
19 SLI to SSO. Therefore, the proposed ordinance is consistent with and will promote the  
20 provisions of Section 101.1(b)(3).

21 D. The proposed ordinance allowing financial services in the limited area being  
22 rezoned from SLI to SSO is designed to provide workers and residents in the area with an  
23 essential service. The proposed ordinance will not contribute to commuter traffic because the  
24 area proposed to be rezoned is well served by public transit, including CalTrain, the MUNI L-  
25 line, and MUNI bus lines No. 10, 15, 30 and 45. It will not impede MUNI services or

1 overburden City streets because Fourth and Townsend Streets is the terminus for CalTrain  
2 and MUNI bus lines 10, 15, 30 and 45 have ample capacity. The ordinance will not aggravate  
3 existing on-street parking problems because financial institutions will serve the residents and  
4 businesses in the area. The proposed ordinance is consistent with the provisions of Section  
5 101.1(b)(4).

6 E. The proposed ordinance will not displace industrial or service sector uses  
7 because displacement of such uses is not permitted. The proposed ordinance is therefore  
8 consistent with the provisions of Section 101.1(b)(5).

9 F. The proposed ordinance will have no detrimental effect on the fire and seismic  
10 safety of existing buildings. Renovation of an existing building for financial service may  
11 require that the existing building be upgraded seismically. The proposed ordinance is  
12 consistent with the provisions of Section 101.1(b)(6).

13 G. The proposed ordinance will have not have any affect on any architecturally or  
14 historically significant or City-designated landmark buildings in or adjacent to the area  
15 proposed to be rezoned. Renovation of the exterior of an architecturally- or historically-rated  
16 or City-designated landmark building located in the area proposed to be rezoned will require a  
17 certificate of appropriateness or undergo review pursuant Planning Code Section 101.1(b)(7)  
18 to ensure that the proposed renovations to such rated buildings are appropriate or would  
19 enhance the architecturally- or historically-rated building. Therefore, the proposed ordinance  
20 is consistent with the provisions of Section 101.1(b)(7).

21 H. The proposed ordinance will not increase the height of any existing building and  
22 will not result in any new shadow on any park or recreational facilities subject to the provisions  
23 of Planning Code Section 295 (Proposition K Shadow Ordinance) or impair any public vista.  
24 Therefore, the proposed ordinance is consistent with the provisions of Section 101.1(b)(8).

25

1           Sec. 2. The San Francisco Planning Code is hereby amended by amending Section  
2 818 and Table 818, to read as follows:

3           SEC. 818. SSO - SERVICE/SECONDARY OFFICE DISTRICT.

4           The Service/Secondary Office District (SSO) District is deigned to accommodate small-  
5 scale light industrial, home and business services, art activities, live/work units, and small-  
6 scale, professional office space and large-floor-plate “back office” space for sales and clerical  
7 work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and  
8 group housing are permitted as conditional uses. Demolition or conversion of existing group  
9 housing or dwelling units requires conditional use authorization.

10          Office, general commercial, most retail, service and light industrial uses are principal  
11 permitted uses. *Financial institutions are permitted as either principal permitted uses or as*  
12 *conditional uses.* Hotel, movie theater, adult entertainment and heavy industrial uses are not  
13 permitted.

14   Table 818  
15   SSO - SERVICE/SECONDARY OFFICE DISTRICT  
16   ZONING CONTROL TABLE

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
818 .01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
818.02	Bulk Limit Designation	See Zoning Map, §270	As shown on Sectional Maps 1 and 7 of the Zoning Map
818.03	Residential Density	§§ 124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq. ft. of lot area for group housing

1	818.04	Non-Residential Density Limit	§§102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
2	818.05	Usable Open Space for Dwelling Units and Group Housing	§135	36 sq. ft. per unit
3	818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§135.2	36 sq. ft. per unit
4	818.07	Usable Open Space for Other Uses	§135.3	Varies by use
5	818.09	Outdoor Activity Area	§ 890.71	P
6	818.10	Walk-up facility, including Automated Bank Teller Machine	§§ 890.140, 803.5(d).	P
7	818.11	Residential Conversion	§ 803.5(b)	C
8	818.12	Residential Demolition	§ 803.5(b)	C

18 Residential Use

19	818.14	Dwelling Units	§ 102.7	C
20	818.15	Group Housing	§890.88(b)	C
21	818.16	SRO Units	§890.88(c)	P

22 Institutions

23	818.17	Hospital, Medical Centers	§890.44	P
24	818.18	Residential Care	§890.50(c)	C
25	818.19	Educational Services	§890.50(c)	P

1	818.20	Religious Facility	§890.50(d)	P
2	818.21	Assembly and Social Service, except Open Recreation and Horticulture	§890.50(a)	C
3				
4	818.22	Child Care	§890.50(b)	P

5 Vehicle Parking

6	818.25	Automobile Parking Lot, Community Residential	§890.7	P
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8	818.26	Automobile Parking Garage, Community Residential	§890.8	P
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10	818.27	Automobile Parking Lot, Community Commercial	§890.9	P
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12	818.28	Automobile Parking Garage, Community Commercial	§890.10	P
13				
14	818.29	Automobile Parking Lot, Public	§890.11	P
15	818.30	Automobile Parking Garage, Public	§890.12	C

16 Retail Sales and Services

17	818.31	All Retail Sales and Services which are not Office Uses or prohibited by §803.4, including bars, full service and fast food restaurants, take out food services, and personal services	§890.104	P
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22 Services, Financial

23				<u>P up to 3,999 sq. ft. C 4,000 sq. ft or more; NP if premises were occupied by neighborhood-serving uses, or industrial or manufacturing uses within the last 12 months.</u>
24	<u>818.32</u>	<u>Financial Services</u>	<u>§890.110</u>	
25				



Assembly, Recreation, Arts and Entertainment

1	818.37	Nighttime Entertainment	§102.17 803.5(a)	C
2	818.38	Meeting Hall, not falling within Category 818.21	§221(c)	P
3	818.39	Recreation Building, not falling within Category 818.21	§221(e)	P
4	818.40	Pool Hall, Card Club, not falling Category 818.21	§§221(f) 803.4	P
5	818.41	Theater falling within §221(d), except Movie Theater	§§221(d) 890.64	P
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Home and Business Service

10	818.42	Trade Shop	§890.124	P
11	818.43	Catering Service	§890.25	P
12	818.45	Business Goods and Equipment Repair Service	§890.23	P
13	818.46	Arts Activities, other than Theaters	§102.2	P
14	818.47	Business Services	§890.111	P
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Office

17	818.48	All Office Uses including Work Space of Design Professionals	§890.70	P
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1 Live/Work Units

2 818.54	Live/Work Units where the work activity is an Arts Activity	§§102.2, 102.13, 209.9(f), (g), 233	P
4 818.55	Live/Work Units where all work activity is otherwise permitted	§§102.13, 233	P

6 Automotive Services

7 818.57	Vehicle Storage - Open Lot	§890.131	NP
8 818.58	Vehicle Storage - Enclosed Lot or Structure	§890.132	P
10 818.59	Motor Vehicle Service Station, Automotive Wash	§§890.18 890.20	P
12 818.60	Motor Vehicle Repair	§890.15	P
14 818.61	Motor Vehicle Tow Service	§890.19	C
15 818.62	Non-Auto Vehicle Sale or Rental	§890.69	P
16 818.63	Public Transportation Facilities	§890.80	P

1 Industrial

2	818.64	Wholesale Sales	§890.54(b)	P
3	818.65	Light Manufacturing	§890.54(a)	P
4	818.66	Storage	§890.54(c)	P
5	818.67	All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and Equipment	§255	P

8 Other Uses

9	818.68	Animal Services	§224	P
10	818.69	Open Air Sales	§§803.5(e), 890.38	P
11	818.70	Ambulance Service	§890.2	P
12	818.71	Open Recreation and Horticulture	§209.5	P
13	818.72	Public Use, except Public Transportation Facility	§890.80	P
14	818.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§227(h)	C
15	818.74	Greenhouse or Plant Nursery	§227(a)	P
16	818.75	Mortuary Establishment	§227(c)	NP
17	818.76	General Advertising Sign	§607.2(b) & (e)	NP
18	818.77	Internet Services Exchange	§209.6(c)	C

1           Section 3. SEVERABILITY

2           If any part of provision of this ordinance, or the application thereof to any person or  
3           circumstance, is held invalid, the remainder of this ordinance, including the application of such  
4           part of provision to other persons or circumstances, shall not be affected thereby and shall  
5           continue in full force and effect. To this end, provisions of this ordinance are severable.

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

9           By: \_\_\_\_\_  
10           JUDITH A. BOYAJIAN  
11           Deputy City Attorney

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