

1 [SLI Zoning District – Allowing Certain Financial Services.]

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3 **Ordinance amending the San Francisco Planning Code by amending Table 817 to add**
4 **Section 817.32 allowing a financial service use in an SLI (Service/Light Industrial)**
5 **Zoning District under certain circumstances; 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.
9 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.

11 (a) This Board of Supervisors ("Board") has reviewed and considered the
12 information contained in the Planning Department's environmental review document dated
13 _____, contained in the Board File No. _____, concurs with the findings
14 contained therein, and incorporates those findings herein as though fully set forth. The Board
15 further finds that there is no need to prepare additional environmental review under the
16 California Environmental Quality Act for the actions contemplated herein.

17 (b) Pursuant to Planning Code Section 302, the Board finds that this ordinance will
18 serve the public convenience, necessity and welfare for the following reasons:

19 1. The South of Market Area ("SOMA") has undergone dramatic changes around
20 the area of SBC Park (previously known as "Pacific Bell Park") and as a result of
21 implementation of the Mission Bay Plan. Within three blocks of SBC Park, many new
22 residential units and offices have been completed or are currently being built.

23 2. Considerable residential development has already occurred in the broader
24 South Beach area. An additional 1,241 dwelling units are projected to be completed by mid-
25 2006.

1 3. Approximately 185,000 square feet of new office space has been constructed in
2 the broader South Beach area. An additional 48,000 square feet of office space is under
3 construction within a three-block radius of SBC Park.

4 4. Financial institutions that provide a full range of services are not permitted uses
5 in any of the SOMA zoning districts, while automatic bank teller machines (“ATMs”) are
6 principally permitted in all SOMA zoning districts.

7 5. Currently, the only full-service financial institutions in the SOMA are Wells Fargo
8 Bank and Bank of America, both of which are located at Fourth and Brannan Streets. The
9 prohibition of financial institutions in the SOMA has precluded smaller full-service financial
10 institutions from competing in the SOMA with two of San Francisco’s largest banks. Current
11 and future residents and persons working in the broader area do not have easy access to
12 financial institutions near where they reside or work. There is a need for additional financial
13 institutions, especially full-service institutions, in the SOMA.

14 6. To ensure that adequate financial services will be available to persons residing
15 or working in the area without negatively affecting existing neighborhood character, the
16 Planning Code should be amended to allow a financial service use on parcels within the SLI
17 District, which have a height limit of 65 feet or more.

18 7. The nature of the taller height limit that governs the parcels identified in
19 paragraph 6 above, allows for a greater intensity of use on those parcels. This increased
20 intensity generates a need for a broader array of commercial offerings on the ground level of
21 those and other nearby parcels. Allowing financial service uses on these certain parcels will
22 respond to this increased demand.

23 8. Parcels within the SLI District that have a height of 65 feet or greater are mainly
24 along the north side of Townsend Street between Third Street and Eighth Street.
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1 9. This Planning Code amendment is not inconsistent with those uses currently
2 being considered for the immediate and broader area under the Eastern Neighborhoods
3 Community Planning process.

4 10. Permanent rezoning of the SOMA cannot take place without completion of an
5 environmental impact report. Adoption of permanent zoning is not anticipated to be
6 completed for another eighteen months to two years.

7 11. There is a lack of ground floor commercial space available to financial service
8 uses in the SOMA. Competition for available space by newly permitted financial institutions
9 has the potential of increasing market rents, making such commercial spaces less affordable
10 to neighborhood-serving businesses.

11 12. This ordinance contains safeguards designed to preserve existing industrial,
12 residential, and neighborhood-serving retail businesses and services, and therefore precludes
13 the concern expressed in paragraph 11 above. Furthermore, it is consistent with the
14 description of the SLI District set forth in Planning Code Section 817 as well as the specific
15 controls of that District, particularly Sections 817.12 and 817.13.

16 13. Those safeguards are also consistent with Planning Commission Policies, as
17 expressed in Planning Commission Resolution Numbers 14861, 14887, 16079, 16202, and
18 16727, which discourage the displacement of production, distribution, and repair (PDR) uses,
19 and with Commission Resolution Number 16700, which discourages the loss of existing
20 housing.

21 (c) The proposed Planning Code amendment is consistent with the City's General
22 Plan, and is consistent with the Priority Policies of Planning Code Section 101.1(b) in that:

23 1. Any financial service use requires conditional use authorization if it will occupy
24 more than 3,999 gross square feet, and is not permitted if it would displace existing industrial,
25 residential, or neighborhood-serving retail uses. Therefore, the proposed amendment will not

1 displace any neighborhood-serving uses and is consistent with the provisions of Section
2 101.1(b)(1).

3 2. The proposed ordinance, in part as a result of the safeguards inserted into the
4 text of the Planning Code amendment, will not displace any residential use and will have no
5 significant adverse effect on the land use or visual effect of the area. Therefore, both the
6 existing housing and neighborhood character will be preserved, consistent with the provisions
7 of Section 101.1(b)(2).

8 3. The proposed ordinance will have no adverse effect on the City's affordable
9 housing supply. Financial service uses will be limited to the ground floor and will not displace
10 residential uses. Therefore, the proposed ordinance is consistent with and will promote the
11 provisions of Section 101.1(b)(3).

12 4. The proposed ordinance will provide workers and residents in the area with an
13 essential service. The proposed ordinance will not contribute to commuter traffic because the
14 financial institutions envisioned will be of a size to serve neighborhood businesses and
15 residents. The institutions will not overburden City streets and will not aggravate existing on-
16 street parking problems because of the proximity of the client bases foreseen, and as such the
17 proposed ordinance is consistent with the provisions of Section 101.1(b)(4).

18 5. The proposed ordinance will not displace industrial or service sector uses
19 because displacement of such uses is not permitted by specific provisions within the
20 ordinance. The proposed ordinance is therefore consistent with the Section 101.1(b)(5).

21 6. The proposed ordinance will have no detrimental effect on the fire and seismic
22 safety of existing buildings. To the contrary, the renovation of existing structures for financial
23 service occupancy may result in related seismic upgrades. The proposed ordinance is
24 therefore consistent with the provisions of Section 101.1(b)(6).

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1	817.04	Non-Residential Density Limit	§§102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
2	817.05	Usable Open Space for Dwelling Units and Group Housing	§135	36 sq. ft. per unit
3	817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§135.2	36 sq. ft. per unit
4	817.07	Usable Open Space for Other Uses	§135.3	Varies by use
5	817.09	Outdoor Activity Area	§890.71	P
6	817.10	Walk-up facility, including Automated Bank Teller Machine	§§890.140, 803.5(d).	P
7	817.12	Residential Conversion	§803.5(b)	C
8	817.13	Residential Demolition	§803.5(b)	C

17 Residential Use

18	817.14	Dwelling Units	§102.7. 803.5(f)	C, if low-income pursuant to §803.5(f); otherwise NP
19	817.15	Group Housing	§890.88(b)	C
20	817.16	SRO Units	§890.88(c)	C

21 Institutions

22	817.17	Hospital, Medical Centers	§890.44	NP
23	817.18	Residential Care	§890.50(c)	C
24	817.19	Educational Services	§890.50(c)	P

1	817.20	Religious Facility	§890.50(d)	P
2	817.21	Assembly and Social Service, except Open Recreation and Horticulture	§890.50(a)	C
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4	817.22	Child Care	§890.50(b)	P

5 Vehicle Parking

6	817.25	Automobile Parking Lot, Community Residential	§890.7	P
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8	817.26	Automobile Parking Garage, Community Residential	§890.8	P
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10	817.27	Automobile Parking Lot, Community Commercial	§890.9	P
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12	817.28	Automobile Parking Garage, Community Commercial	§890.10	P
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14	817.29	Automobile Parking Lot, Public	§890.11	P
15	817.30	Automobile Parking Garage, Public	§890.12	C

16 Retail Sales and Services

17	817.31	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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1 **Financial Services**

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817.32	Financial Services	§890.110	P if gross floor area is up to 4,000 sq. ft. C if gross floor area is equal to or exceeds 4,000 sq. ft. and only then if the location is: (a) within a height district of 65 ft. or greater, (b) on the ground story or below, and (c) was not used within the 12 months prior to the filing of any planning or building application as (1) a residential use as defined in §817.14 through §817.16, (2) a neighborhood-serving retail use as defined in §817.31, or (3) an industrial use as defined in §§ 817.64, 817.65, or 817.67; otherwise NP
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9 **Assembly, Recreation, Arts and Entertainment**

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817.37	Nighttime Entertainment	§102.17	NP
817.38	Meeting Hall	§221(c)	C
817.39	Recreation Building,	§221(e)	C
817.40	Pool Hall, Card Club, not falling Category 817.21	§§221(f) 803.4	P
817.41	Theater falling within §221(d), except Movie Theater	§§221(d) 890.64	P

17 **Home and Business Service**

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817.42	Trade Shop	§890.124	P
817.43	Catering Service	§890.25	P
817.45	Business Goods and Equipment Repair Service	§890.23	P
817.46	Arts Activities, other than Theaters	§102.2	P
817.47	Business Services	§890.111	P

1 Office

2	817.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§803.5(c)	C
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6	817.49	Space of Design Professionals	§§890.28 803.5(k)	P, subject to § 803.5(k)
7	817.50	Office Uses Related to the Hall of Justice	§§803.5(j) 822	P in Special Use District, pursuant to §803.5(j)
8	817.51	All Other Office Uses	§890.70	NP

9 Live/Work Units

10	817.51	Live/Work Units where the work activity is an Arts Activity	§§102.2, 102.13, 209.9(f), 233	P
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13	817.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§102.13, 233	P
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16	817.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§233	C
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19	817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§803.5(c)	C
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22	818.55	All Other Live/Work Units		NP

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1 Automotive Services

2	817.57	Vehicle Storage - Open Lot	§890.131	P
3	817.58	Vehicle Storage - Enclosed Lot or Structure	§890.132	P
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5	817.59	Motor Vehicle Service Station, Automotive Wash	§§890.18 890.20	P
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7	817.60	Motor Vehicle Repair	§890.15	P
8	817.61	Motor Vehicle Tow Service	§890.19	C
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10	817.62	Non-Auto Vehicle Sale or Rental	§890.69	P
11	817.63	Public Transportation Facilities	§890.80	P
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13 Industrial

14	817.64	Wholesale Sales	§890.54(b)	P
15	817.65	Light Manufacturing	§890.54(a)	P
16	817.66	Storage	§890.54(c)	P
17	817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§255	P
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21 Other Uses

21	817.68	Animal Services	§224	P
22	817.69	Open Air Sales	§§803.5(e), 890.38	P
23	817.70	Ambulance Service	§890.2	P
24	817.71	Open Recreation and Horticulture	§209.5	P
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1	817.72	Public Use, except Public Transportation Facility	§890.80	P
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3	817.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§227(h)	C
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6	817.74	Greenhouse or Plant Nursery	§227(a)	P
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8	817.75	Mortuary Establishment	§227(c)	NP
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10	817.76	General Advertising Sign	§607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
11	817.77	Internet Services Exchange	§209.6(c)	C

12 Section 3. SEVERABILITY

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

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

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20 By: _____
JUDITH A. BOYAJIAN
21 Deputy City Attorney