

SAN FRANCISCO
PLANNING COMMISSION
RESOLUTION NO. 17261

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 803.6 TO DESIGNATE FORMULAR RETAIL AS A CONDITIONAL USE IN THE WESTERN SoMa SPECIAL USE DISTRICT AND BY ADDING SECTION 803.7 TO REQUIRE PUBLIC NOTICING REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS IN THE SPECIAL USE DISTRICT.

WHEREAS, on April 11, 2006 Supervisor Daly introduced an ordinance adding Planning Code Section 803.6 to designate formula retail as a conditional use in the Western SoMa Planning Area Special Use District and by adding Section 803.7 to require public noticing requirements for building permit applications in the Special Use District; and adopting finding including environmental findings and finding of consistency with the General Plan and the Priority Policies of Planning code section 101.1(b).

The proposed zoning changes have been determined to be subject to a Categorical Exemption (CatEx) under CEQA.

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 8, 2006.

The proposal would create building permit noticing requirements and designate formula retail uses as a conditional use in order to stabilize the neighborhood during the ongoing community planning work of the Western SoMa Citizens Planning Task Force.

The proposed Ordinance has been drafted to promote stabilization for the dynamic real estate market in the Western SoMa Special Use District (SUD). The initial designation as "formula retail" uses as previously defined in the Planning Code as a Conditional Use in the SUD does no more that require a conditional use findings and public hearing for these uses when proposed in the Western SoMa SUD.

Concerns have been expressed through the Western SoMa Citizens Planning Task Force that the increasing levels of new and existing ground floor non-residential use space in the SUD and the increasing number of new residents to the area could stimulate market interest from a wide variety of formula retail uses.

Not all formula retail uses are necessarily appropriate to the long-term service and shopping needs of existing and future residents of the Western SoMa SUD. Conditional use controls of this nature are currently in place for the neighborhood commercial areas of along Haight and Divisadero Streets and in Cole Valley.

A second portion of the draft ordinance proposes neighborhood notification for expansions in building envelopes and changes in use within the Western SoMa SUD. The proposed neighborhood notifications are identical to those found throughout San Francisco neighborhood commercial and residential areas.

The first goal of the Commerce and Industry Element of the General Plan is *"to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city"*. This draft ordinance promotes this goal and the associated objectives of the General Plan.

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance promotes the preservation of this important neighborhood-serving uses, local ownership and employment opportunities.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Code modifications would facilitate the conservation of neighborhood character.
3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance through increased notification would significantly impact the public dialogue regarding retention of existing and proposals for new residential uses and affordable housing.
4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The ordinance would have no direct impacts on traffic or transit service.
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would enhance the viability of an existing economic base and locally owned neighborhood businesses.
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would have no affect on the City's preparedness for an earthquake.
7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would have no immediate impact on landmarks or historic buildings.
8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not impact or facilitate any development that could have any impact on our parks and open space or their access to sunlight and vistas.

WHEREAS BE IT RESOLVED that the Commission hereby recommends that the Board modify the draft ordinance to strike and eliminate the redundant and unnecessary language in draft Section 803.6(f).

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 8, 2006.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, S. Lee, Olague,

NOES: NONE

ABSENT: Bradford Bell, Hughes, B. Lee

ADOPTED: June 8, 2006