



**Western SoMa Citizens
Planning Task Force**

MEMO

DATE: February 22, 2007

TO: San Francisco Planning Commission

FROM: Western SoMa Citizens Planning Task Force
Through the Planning Department Staff

**STAFF
CONTACT:** Paul Lord – 558-6311

RE: **March 1, 2007 Planning Commission Agenda Item to Consider
a Resolution Adopting Formula Retail Use Conditional Use
Policies for the Western SoMa Special Use District (SUD)**

The Western SoMa Citizens Planning Task Force recommends Planning Commission adoption of a Draft Resolution (attached) formalizing the criteria found on page 3 of this memo as policies for use in consideration of new Formula Retail applications in the W SoMa SUD.

STAFF RECOMMENDATION:

Adopt the Draft Resolution (attached) that formalizes the use of additional policies in the consideration of new Conditional Use Formula Retail Uses in the Western SoMa Special Use District.

BACKGROUND

In August of 2007, the Board of Supervisor's enacted a 45-day interim moratorium on Formula Retail Uses was enacted for the Western SoMa Special Use District. This 45-day period gave the Western SoMa Citizens Planning Task Force time to craft Planning Commission "Policies" in future consideration of new "formula retail" uses for the neighborhood. ***The Task Force considered policies that added specificity or new considerations to the existing Planning Code findings*** necessary to grant conditional use authorizations for formula retail uses elsewhere in the City.

On June 8, 2006 at a duly noticed public hearing the Planning Commission passed Resolution 17261 recommending the Board of Supervisors adopt Conditional Use requirements for new formula retail uses in the Western SoMa Special Use District.

Originally proposed by the Western SoMa Citizens Planning Task Force and subsequently introduced by Supervisor Daly as Board File No. 060482, this ordinance was passed by the full Board of Supervisors on July 18, 2006 and signed by the Mayor on July 25, 2006.

In August the Board of Supervisors enacted a 45-day moratorium on new formula retail uses in the Western SoMa SUD to allow time for the Task Force to develop additional policies for Planning Commission consideration of new formula retail use applications in the SUD. The attached draft resolution contains the language necessary for the Planning Commission to enact these Task Force formula retail policies that were adopted at their August 23, 2006 meeting.

Existing Section 303(c) Conditional Use Findings

- (1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is **necessary or desirable** for, and compatible with, the neighborhood or the community.
- (2) That such use or feature as proposed **will not be detrimental** to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (A) The **nature of the proposed site**, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (B) The **accessibility and traffic patterns** for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - (C) The safeguards afforded to prevent noxious or offensive emissions such as **noise, glare, dust and odor**;
 - (D) Treatment given, as appropriate, to such aspects as **landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs**; and
- (3) That such use or feature as proposed **will comply with the applicable provisions of this Code and will not adversely affect the Master Plan**.

Section 303(i) Findings Specific to Formula Retail Uses

- (1) With respect to an application for a formula retail use as defined in Section 803.6, whenever a conditional use permit is required per Section 803.6(b), the Planning Commission **shall consider, in addition to the criteria set forth in Subsection 303(c) above**:

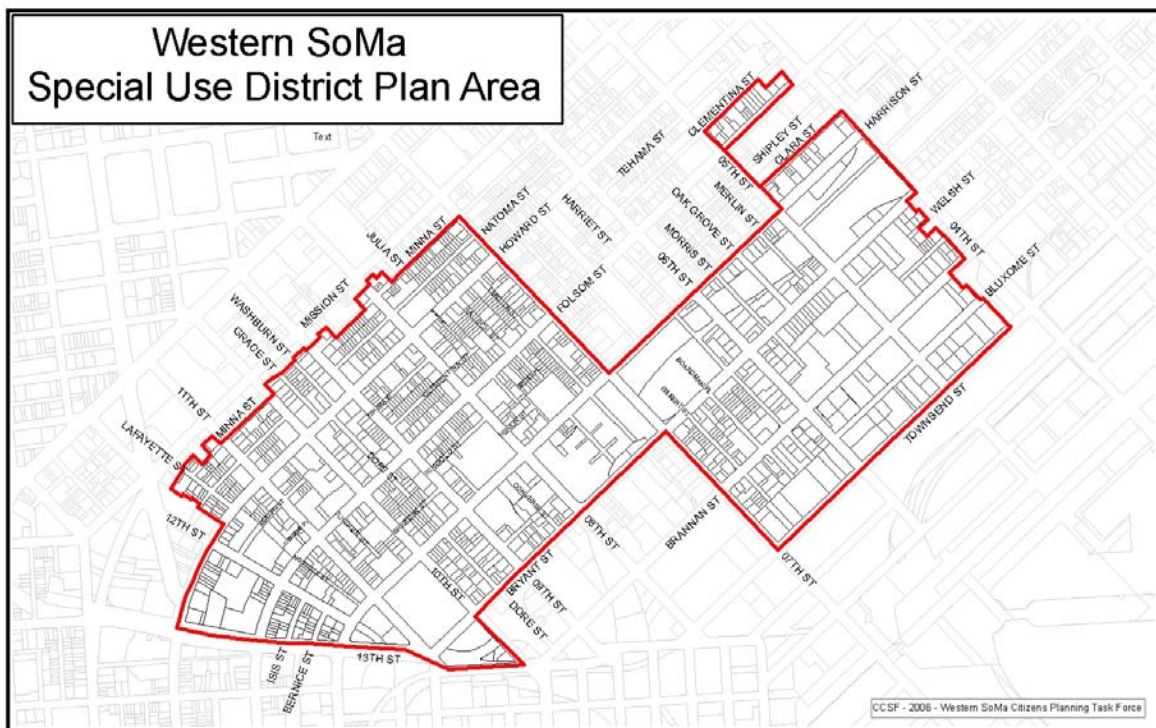
(A) The **existing concentrations of formula retail uses** within the neighborhood commercial district.

(B) The availability of **other similar retail uses** within the neighborhood commercial district.

(C) The compatibility of the proposed formula retail use with the **existing architectural and aesthetic character** of the neighborhood commercial district.

(D) The existing retail **vacancy rates** within the neighborhood commercial district.

(E) The **existing mix of Citywide-serving retail uses** and neighborhood-serving retail uses within the neighborhood commercial district.



New Formula Retail Use Approval/Denial Criteria Policies for W SoMa SUD

Size of New Formula Retail Uses

- 1) Discourage large out-of-scale formula retail uses in proximity to smaller existing retail uses.
- 2) Ensure sufficient separation of new formula retail uses and avoid clustering of formula retail uses.

Use Types

- 1) Discourage single, stand alone formula uses, and encourage formula retail uses to be integrated with non-formula retail and other uses
- 2) Encourage the integration of pedestrian-friendly, publicly accessible open space into new developments that include formula retail uses.
- 3) Discourage drive-through formula retail uses.

Location of New Formula Retail Uses

- 1) Discourage auto-oriented formula retail uses north of Highways 80.
- 2) Discourage auto-oriented formula retail uses in heavily used pedestrian areas (e.g., near schools and parks) or in proximity to existing clusters of residential uses.
- 3) Encourage pedestrian-oriented formula retail uses in proximity of existing residential populations.

Other Considerations for New Formula Retail Uses

- 1) Minimize multiple automobile curb cuts.
- 2) Encourage a mix of uses and discourage the sole use of a development site by formula retail uses and their required parking (especially when required parking is provided in a surface parking area).
- 3) Discourage formula retail uses that could lead to double parking (legal or illegal).
- 4) Provide street entrances to new retail uses and discourage any development proposals that provided retail entrances exclusively from required or non-required parking areas.
- 5) Preferences should be given to new formula retail uses that willingly participate in formalized local resident job hiring programs.

Attachment A

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. 17389

THE PLANNING COMMISSION ADOPTS ADDITIONAL POLICES FOR CONSIDERATION IN NEW FORMULA RETAIL CONDITIONAL USE APPLICATIONS IN THE WESTERN SoMa 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 conditional use policies 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 Commission, on June 8, 2006, passed Resolution No. 17261 recommending the Board of Supervisors adopt the Board of Supervisor's initiated conditional use requirements for the Western SoMa Special Use District.

On July 18, 2006 the Board of Supervisors passed Ordinance No. 204-06 amending Planning Code Section 803.6 to designate formula retail as a conditional use in the Western SoMa Special Use District.

On July 25, 2006, the Mayor signed Board Ordinance no. 204-06 into law.

The proposal designates 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 than 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.

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 ordinance promotes this goal and the associated objectives of the General Plan.

The Western SoMa Citizens Planning Task Force subsequent to the adoption of Board of Supervisors Ordinance No. 204-06, during publicly noticed meetings, considered new additive policies that could be used by the Planning Commission in addition to the existing formula retail use conditional use findings required in the Planning Code.

The size, use type location and other policies developed by the Western SoMa Citizens Planning Task Force and contained herein are intended for new Conditional Use applications for formula retail uses only in the Western SoMa Special Use District.

In addition to existing conditional use findings required in the Planning Code for formula retail uses in the Western SoMa Special Use District, the San Francisco Planning Commission shall consider the following additional policies.

SIZE

New formula retail uses should maintain the use size characteristics of nearby retail uses. By nearby the Planning Commission means to evaluate retail uses on the proposed and opposing block face.

The Planning Commission will seek to ensure sufficient separation of formula retail uses and thereby avoid clustering of any formula retail uses in the Western SoMa SUD. By sufficient separation the Planning Commission means to avoid to the greatest extent possible more than two formula retail uses on either the proposed block face and/or the opposing block face.

USE TYPE

Discourage single, stand alone formula uses, and encourage formula retail uses to be integrated with non-formula retail and other uses in the Western SoMa SUD.

Encourage the integration of pedestrian friendly and publicly accessible open space in new formula retail use proposals.

Discourage drive-through formula retail uses.

LOCATION

Auto oriented formula retail uses will be discouraged north of Highway 80 in the Western SoMa SUD.

Auto oriented formula retail uses will be discouraged in heavily used pedestrian areas (e.g., schools and parks) or in proximity to existing clusters of residential uses.

Pedestrian oriented formula retail uses will be encouraged in proximity to existing clusters of residential uses.

OTHER

Discourage formula retail uses requiring multiple curb cuts.

Encourage a mix of uses and discourage the sole use of a development site by formula retail uses and their required parking (especially when required parking is provided in a surface parking area).

Discourage any formula retail use that could increase demand for double parking (legal or illegal).

Discourage exclusive pedestrian entrances to formula retail uses from parking lots and encourage primary retail entrances from street frontages.

Preferences should be given to new formula retail uses that willingly participate in formalized local resident job hiring programs.

The proposed policies 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 policies promote 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 policies would facilitate the conservation of neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed policies would significantly enhance 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 proposed policies could have positive 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 policies 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 policies would have no affect on the City's preparedness for an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed policies 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 policies 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.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed conditional use policies for formula retail use for the Western SoMa SUD as described in this Resolution.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission on March 1, 2007.

Linda Avery
Commission Secretary

AYES: Antonini, B. Lee, S. Lee, Olague, Suguya

NOES: NONE

ABSENT: Alexander, Moore

ADOPTED: March 1, 2007

Attachment B

Planning Code Section 703.3 (b) defining Formula Retail Use

(b) **Formula Retail Use.** Formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

(1) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(3) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(4) Décor shall be defined as the style of interior finishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.

(5) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.

(6) Façade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(7) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(8) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

(c) "Retail sales activity or retail sales establishment" shall include the following uses, as defined in Article 7 of this code: "bar," "drive-up facility," "eating and drinking use," "liquor store," "restaurant, large fast-food," "restaurant, small self-service," "restaurant, full-service," "sales and service, other retail," "sales and service, retail," "movie theatre," "video store," "amusement and game arcade," and "take-out food."