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.

WHEREAS, On October 15, 2015, the Public Safety and Neighborhood Services Committee of the Board of Supervisors held a hearing on the efforts by City agencies to address persistently blighted residential and commercial properties, vacant buildings and commercial storefronts, unauthorized businesses, and illegal activity in Supervisorial District 11 ("District 11"); and
WHEREAS, At the public hearing, there was testimony that in addition to illegal uses and activities, District 11 had one of the highest numbers of vacant buildings and commercial storefronts in the City; and

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

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

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

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

WHEREAS, The Board has considered the impact of the public health, safety, peace, and general welfare if the interim controls proposed herein are not imposed; and
WHEREAS, The Board has determined that the public interest will best be served by imposition of these interim controls in order to ensure that the comprehensive legislative scheme that may be ultimately adopted is not undermined during the planning and legislative process for permanent controls; and

WHEREAS, The Planning Department has determined that the actions contemplated by this Resolution are in compliance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 et seq.), which determination is on file with the Clerk of the Board of Supervisors in File No. 171122 and is incorporated herein by reference, and the Board hereby affirms that determination; and

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

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

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

(2) a new Institutional Use (or existing Institutional Use operating without the required approvals and permits) in the following categories shall obtain a Conditional Use authorization from the Planning Commission for a location on any Story in areas where they currently are permitted: Community Facility, Private Community Facility, Job Training, Medical Cannabis Dispensary, Religious Institution, and Social Service or Philanthropic Facility; and
(3) all new Personal Service Uses operating as a salon and/or providing cosmetic services, and any such use operating without the required approvals and permits, shall obtain a Conditional Use authorization from the Planning Commission for a location on the First Story in those areas where they currently are permitted; and

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

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

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

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

By
JUDITH A. BOYAJIAN
Deputy City Attorney

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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.

January 08, 2018 Land Use and Transportation Committee - RECOMMENDED

January 23, 2018 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 171122

I hereby certify that the foregoing Resolution was ADOPTED on 1/23/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mark E. Farrell
Mayor