

1 [Hunters Point Shoreline Interim Controls.]

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3 **Resolution adopting interim zoning controls in the Hunters Point Shoreline area for a**
4 **period of eighteen (18) months that would, within the currently zoned M-1 and M-2**
5 **areas generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue,**
6 **Earl Street and the San Francisco Bay, permit new housing as an accessory use to**
7 **certain designated uses, or if it is contained within a permitted institutional use, or with**
8 **a required ratio of four (4) square feet of permitted non-residential use for every one (1)**
9 **square foot of residential space built; that would, within the currently zoned NC-2 area**
10 **abutting Innes Avenue and Hunters Point Boulevard between Jennings Street and Earl**
11 **Street, permit new housing on other than the ground floor and in conjunction with non-**
12 **residential development; that would require a conditional use permit for all new**
13 **construction or change in use in the M-1 and M-2 zoning districts and for all uses that**
14 **include new housing in the NC-2 zoning district, and adopting findings.**

15 WHEREAS, in January, 1995, the Board of Supervisors ("Board") adopted the Bayview
16 Hunters Point Survey Area ("Survey Area"), which is generally bounded by San Francisco Bay
17 to the east, the City and County of San Francisco border to the south, US Highway 101 to the
18 west, and Cesar Chavez Street to the north; and

19 WHEREAS, On February 10, 1997, the Board approved and certified the election of the
20 Bayview Hunters Point Project Area Committee (the "PAC"); and

21 WHEREAS, Between 2000 and 2002, the PAC and the San Francisco Redevelopment
22 Agency produced a document entitled the "*Bayview Hunters Point Community Revitalization*
23 *Concept Plan*," which, among other things, sets forth conceptual ideas for the revitalization
24 and redevelopment of Bayview Hunters Point Survey Area, including an area it calls the
25 Hunters Point Shoreline District; and

1 WHEREAS the *Bayview Hunters Point Community Revitalization Concept Plan*
2 recognized that Block 4580, Lot 002; Block 4602A, Lot 014; Block 4603A, Lot 005; Block
3 4604A, Lot 002; Block 4606, Lot 100; Block 4607, Lot 025; Block 4620, Lots 001, 002; Block
4 4621, Lots 016, 018, 100, 101; Block 4623A, Lot 002; Block 4629A, Lots 010, 012; Block
5 4630, Lots 002, 005, 006, 100; Block 4631, Lots 001, 002; Block 4644, Lots 001, 002, 002A,
6 002B, 003, 003A, 003B, 004, 004A, 005, 005A, 006, 006A, 007, 008, 009; 010, 010A, 010B,
7 010C, 011; Block 4645, Lots 001, 002B, 003A, 004, 006, 007, 007A, 010, 010A, 011, 012,
8 013, 014, 015, 016, 017, 018, 019, 031, 035; and Block 4646, Lots 001, 002, 003, 003A, 005,
9 005A, 006, 006A, 007, 009, 010, 011, 019, 020, 021; which together are hereinafter referred
10 to as the Hunters Point Shoreline Area, presented revitalization opportunities but also
11 challenges due to a lack of infrastructure and public amenities and the likely need for
12 environmental remediation such that detailed feasibility analyses were needed in order to
13 devise specific development controls for the area that will achieve the community vision; and

14 WHEREAS, The Planning Commission, beginning in 1999, began a process of
15 formulating interim controls for the industrially zoned lands of the City to protect these areas
16 from economic competition from housing and office development pressures; and

17 WHEREAS, In August, 2001, the Planning Commission adopted Resolution No. 16202
18 which established an Industrial Protection Zone that included among other areas the M-1 and
19 M-2 zoned areas in the Hunters Point Shoreline Area and established a policy of discouraging
20 new development of or conversion of existing uses to office, housing and/or live/work in the
21 Industrial Protection Zone; and

22 WHEREAS, Between 2002 and 2003, the Planning Department undertook a planning
23 effort to develop rezoning options for the Eastern Neighborhoods, which includes among other
24 areas the Hunters Point Shoreline Area; and

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1 WHEREAS, This planning process resulted in the publication by the Planning
2 Department of the "*Community Planning in the Eastern Neighborhoods, Rezoning Options*
3 *Workbook*," which although it identified rezoning proposals for much of the Eastern
4 Neighborhoods, either proposed retention of industrial zoning for production, distribution and
5 repair businesses in the current industrially-zoned areas of the Hunters Point Shoreline Area
6 or designated the area as a special use district to be subject to a further planning process;
7 and

8 WHEREAS, In October, 2004, the Redevelopment Agency and the Planning
9 Department issued a draft environmental impact report for the Bayview Hunters Point
10 Redevelopment Projects and Zoning, which analyzes proposals, among other objectives, to
11 adopt a Bayview Hunters Point Redevelopment Plan for a 1,575-acre area, including the
12 Hunters Point Shoreline Area described above, and rezone the project area consistent with
13 the range of alternatives presented in the *Community Planning in the Eastern Neighborhoods,*
14 *Rezoning Options Workbook*; and

15 WHEREAS, Since that time, the Redevelopment Agency and the Planning Department
16 have recognized that because the Bayview Hunters Point Redevelopment Projects and
17 Zoning identified the Hunters Point Shoreline Area only as a special use district with no
18 specified rezoning controls, that further planning is needed to develop appropriate land use
19 controls to assure that the community vision, as set forth in the *Bayview Hunters Point*
20 *Community Revitalization Concept Plan*, is realized; and

21 WHEREAS, The Redevelopment Agency and the Planning Department desire to
22 undertake a joint planning effort in the Hunters Point Shoreline Area, to complete this effort
23 before inclusion of the area in the Bayview Hunters Point Redevelopment Plan and until this
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1 planning effort is completed to assure that development in the area does not foreclose
2 realization of the community vision; and

3 WHEREAS, The Redevelopment Agency intends to amend the Bayview Hunters Point
4 Redevelopment Plan, as appropriate and necessary, upon completion of the planning process
5 in the Hunters Point Shoreline Area, to incorporate the outcome of the planning process into
6 the Bayview Hunters Point Redevelopment Plan; and

7 WHEREAS, Further planning will provide an opportunity to assure that the land use
8 plan for the Hunters Point Shoreline Area is integrated with the most recent nearby
9 development plans, including the approximately 1,200 housing units and 300,000 square feet
10 of commercial development now underway in the area of the Hunters Point Shipyard
11 Redevelopment Plan to the immediate east of the Hunters Point Shoreline Area; the planned
12 revitalization by the Housing Authority of the Hunters View housing development on Hunters
13 Point Hill to the immediate south of the Hunters Point Shoreline Area; the proposed Bayview
14 Transportation Improvement Project, which is evaluating various proposals for truck routes in
15 the area, all of which envision a northern route on Innes Avenue; and

16 WHEREAS, Further planning is needed at this time because of the anticipated closure
17 of the Hunters Point power plant in the Spring of 2006, which, under an agreement between
18 the City and PG&E, is expected to result in the decommissioning of the Hunters Point Power
19 Plant, remediation of the site and the possibility that PG&E will sell the site, including offering
20 the site to the City under an exclusive right of first negotiation; and

21 WHEREAS, City Planning Code Section 306.7 authorizes the Board of Supervisors to
22 impose interim zoning controls temporarily suspending the approval of permits and other land
23 use authorizations in conflict with a contemplated zoning proposal which the Board, the
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1 Planning Commission, or the Department of Planning is considering or intends to study within
2 a reasonable period of time; and,

3 WHEREAS, The Board finds that these interim controls are necessary in order to
4 protect the Hunters Point Shoreline Area from development which may be inconsistent with
5 the conceptual community vision of preserving the positive aspects of existing neighborhood
6 character, integrating existing and planned public open space with any new development,
7 assuring access to the waterfront and commercial areas from the housing development on
8 Hunters Point Hill, assuring that any new development fully evaluates environmental
9 conditions and proposes new uses that are compatible with the environmental condition of the
10 property in light of past uses, assuring that new development preserves important public
11 views of the surrounding natural features including the bay and hills, and assures that the
12 area is revitalized in a way that provides economic opportunities and enhanced services and
13 amenities to the existing community; and

14 WHEREAS, Interim controls are authorized to conserve space for industrial businesses
15 in the City in order to maintain the economic vitality of the City, to provide its citizens with
16 adequate jobs and business opportunities, and to maintain adequate services for its residents,
17 visitors, businesses, and institutions; and,

18 WHEREAS, Interim controls are authorized to control uses which are having an
19 adverse impact on areas of mixed residential and commercial uses in order to preserve the
20 positive existing character of such neighborhoods and areas; and,

21 WHEREAS, The Board finds that additional planning is needed for industrially zoned
22 areas that are under consideration for transition to non-industrial uses, whether mixed use,
23 commercial or residential areas, to ensure the adequate provision of new infrastructure,
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1 community facilities, and public amenities and neighborhood services necessary to support
2 new uses; and

3 WHEREAS, The Board finds that these interim controls are necessary in order to
4 assure that the Hunters Point Shoreline Area is not developed in a way that precludes future
5 employment opportunities for area residents while further planning and feasibility studies are
6 undertaken to determine appropriate and desirable long-term uses for the area; and

7 WHEREAS, The Board finds that these interim controls enhance and are consistent
8 with the purpose of the Planning Code as set forth in Section 101 and with the Priority Policies
9 of Planning Code Section 101.1 in that they will conserve and protect existing housing and
10 neighborhood character by requiring conditional use for any new housing uses or conversions
11 of uses (Policies 2 and 3); maintain potential for location of businesses during the planning
12 and feasibility study period (Policy 5); maintain landmarks and historic buildings and parks
13 and open space (Policies 7 and 8); maintain existing neighborhood-serving retail uses and
14 resident employment (Policy 1); and have no impact on commuter traffic or transit service
15 (Policy 4) and earthquake preparedness (Policy 6).

16 WHEREAS, The Board is authorized by Planning Code Section 306.7(c) to initiate the
17 procedure for imposing interim controls by a resolution adopted by majority vote; now,
18 therefore, be it

19 RESOLVED, That the interim controls set forth below are hereby imposed on all
20 property on the lots defined below for the duration of the interim controls. No City agency,
21 board, commission officer, or employee may approve any demolition permit, site permit,
22 building permit, grading permit, conditional use authorization, or any other land use
23 entitlement inconsistent with the following controls as long as they are in effect:

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1 (a) The following properties, which are zoned M-1: Block 4606, Lot 100; Block 4607,
2 Lot 025; Block 4620, Lots 001, 002; Block 4621, Lots 016, 018, 100, 101; Block 4629A, Lots
3 010, 012; Block 4630, Lots 002, 005, 006, 100; Block 4631, Lots 001, 002; Block 4644, Lots
4 001, 010, 010A, 010B, 010C, 011; Block 4645, Lots 001, 010, 010A, 011, 012, 013; and Block
5 4646, Lots 001, 021; and M-2: Block 4580, Lot 002; Block 4604A, Lot 002; shall be subject to
6 conditional use authorization for all new construction or change in use;

7 (b) The following properties, which are zoned NC-2: Block 4602A, Lot 014; Block
8 4603A, Lot 005; Block 4623A, Lot 002 Block 4644, Lots 002, 002A, 002B, 003, 003A, 003B,
9 004, 004A, 005, 005A, 006, 006A, 007, 008, 009; Block 4645, Lots 002B, 003A, 004, 006,
10 007, 007A, 014, 015, 016, 017, 018, 019, 031, 035; and Block 4646, Lots 002, 003, 003A,
11 005, 005A, 006, 006A, 007, 009, 010, 011, 019, 020; shall be subject to conditional use
12 authorization for all uses that include new housing;

13 (c) In the M-1 and M-2 zoned areas listed above, new housing is permitted under
14 the following conditions:

15 (i) As accessory, defined as occupying no more than 25% of gross floor area, to
16 permitted uses:

17 (A) Manager residence. One dwelling unit to serve as manager's residence
18 for a permitted hotel, motel, or group housing structure;

19 (B) Artist workspace. Dwelling units that are integrated into the working
20 space of artists, artisans and other crafts persons are permitted. No more than four adults
21 may occupy this accessory space, and the occupancy must meet all applicable provisions of
22 the Building and Housing Codes;

23 (C) Caretaker unit. One dwelling unit is allowed as a caretaker residence,
24 when such occupancy is necessary for the primary activity on site;

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- 1 (ii) Contained within a permitted institutional use;
- 2 (iii) For new dwelling units that do not satisfy any of the above conditions, four (4)
- 3 square feet of permitted non-residential space for every one (1) square foot of residential
- 4 space built;
- 5 (d) In the NC-2 zoned areas listed above, new housing is permitted provided that it
- 6 is built above the ground floor and in conjunction with neighborhood-serving commercial uses
- 7 that are principally permitted in the NC-2 zoning district; and be it

8 FURTHER RESOLVED, That these controls shall remain in effect for a period of

9 eighteen (18) months unless extended by the Board or until the adoption of permanent zoning

10 controls, whichever occurs first.

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12 APPROVED AS TO FORM:

13 DENNIS J. HERRERA, City Attorney

14 By: _____

15 ELAINE C. WARREN

16 Deputy City Attorney

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