

1 [Interim Zoning Controls for the Bayshore Corridor]
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3 **Resolution imposing interim zoning controls to require Conditional Use authorization**
4 **for all projects that involve (1) establishment of a formula retail use, (2) new retail uses**
5 **that are 25,000 gross square feet or larger, and/or (3) a lot merger that creates a new lot**
6 **that is 25,000 square feet or larger, for a period of eighteen (18) months, on all**
7 **properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280**
8 **Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway;**
9 **Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from**
10 **Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from**
11 **Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation**
12 **of a conditional use permit application, in addition to the criteria listed in Section 303 of**
13 **the Planning Code, and making findings, including findings of consistency with the**
14 **priority policies of Planning Code Section 101.1 and environmental findings.**

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17 WHEREAS, The Bayview Hunters Point Project Area Committee (Bayview PAC), an
18 elected citizen advisory body to the San Francisco Redevelopment Agency, produced a
19 Community Revitalization Concept Plan ("Concept Plan") that outlines the vision for
20 redevelopment activities in the Bayview neighborhood. The Bayview PAC approved the
21 Executive Summary of the Concept Plan in 2000; and

22 WHEREAS, The San Francisco Board of Supervisors adopted a Redevelopment Plan
23 for the Bayview Hunters Point Project in 2006; and

1 WHEREAS, The Board of Supervisors adopted amendments to the Bayview Hunters
2 Point Area Plan, which is part of the San Francisco's General Plan, in 2006; and

3 WHEREAS, The Concept Plan, Redevelopment Plan, and General Plan all discuss the
4 need for enhanced business and employment opportunities throughout the Bayview
5 neighborhood, and generally call for a mix of commercial and light industrial activities along
6 the Bayshore Boulevard corridor, particularly the area from Jerrold Avenue to the I-280
7 freeway and adjacent streets, in the vicinity of the Bernal Height district ("the Bayshore
8 Corridor"); and

9 WHEREAS, The Board of Supervisors adopted new land use controls for much of the
10 industrial areas in Bayview Hunters Point in 2008. The Planning Department did not, at that
11 time, propose specific controls for the Bayshore Corridor, in recognition of the need for further
12 planning in the area; and

13 WHEREAS, In May 2008, Supervisors Dufty, Maxwell, and Ammiano submitted a letter
14 of inquiry to the Directors of Planning, Redevelopment Agency, Economic and Workforce
15 Development, and the Small Business Commission regarding the creation of a Green and
16 Sustainable Home Improvement District along Bayshore Corridor, and

17 WHEREAS, Much of the Bayshore Corridor remains zoned M-1 and M-2, the most
18 permissive zoning districts in the City, leaving the area vulnerable to inadequately regulated
19 development; and

20 WHEREAS, The Board of Supervisors adopted Resolution No. 154-09 on April 21,
21 2009, urging the Planning Department, the Redevelopment Agency and Office of Workforce
22 Development to work with the Bayview Hunters Point and Bernal Heights communities to
23 develop plans and programs to establish a Green and Sustainable Home Improvement
24 District for the Bayshore Corridor, which could result, but need not be limited to, one or more
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1 of the following: a business attraction plan, a business development and retention program,
2 revised zoning, area-specific design guidelines, and a localized public improvement plan
3 including streetscape and infrastructure enhancements; and

4 WHEREAS, City Planning Code Section 306.7 authorizes the Board of Supervisors to
5 impose interim zoning controls temporarily suspending the approval of permits and other land
6 use authorizations in conflict with a contemplated zoning proposal which the Board, the
7 Planning commission, or the Department of Planning are considering or intend to study within
8 a reasonable period of time; and

9 WHEREAS, The Board finds that these interim controls are necessary in order to
10 protect the Bayshore Corridor from development that may be inconsistent with the
11 community's overall desire to provide economic development without unduly impacting
12 adjacent neighborhoods, and, more specifically, with the vision set forth by the planning
13 process, until the joint planning effort as urged by the Board of Supervisors in Resolution No.
14 154-09 is complete; and

15 WHEREAS, The Board has considered the impact on the public health, safety, peace
16 and general welfare if the interim controls proposed here were not imposed; and

17 WHEREAS, The Board has determined that the public interest will be best served by
18 imposition of these interim controls at this time in order to ensure that the legislative scheme
19 which may be ultimately adopted is not undermined during the planning and legislative
20 process for permanent controls; and

21 WHEREAS, The Planning Department has determined that the actions contemplated in
22 this Resolution are in compliance with the California Environmental Quality Act (California
23 Public Resources Code Section 21000 et. seq.). Said determination is on file with the Clerk of
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1 the Board of Supervisors in File No. _____ and is incorporated herein by reference; now,
2 therefore, be it

3 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by
4 this resolution, hereby prohibits any City agency, board, commission, officer or employee from
5 approving any new site permit, building permit or any other permit or license authorizing (1) an
6 establishment of a formula retail use, (2) new retail uses that are 25,000 gross square feet or
7 larger, and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger,
8 unless the action would conform both to the existing provisions of the Planning Code and this
9 resolution imposing interim controls; and, be it

10 FURTHER RESOLVED, That as of the effective date of this Resolution, all properties
11 on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side
12 of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis
13 Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street;
14 and the west side of Boutwell Street from Industrial Street to the I-280 Freeway, must obtain a
15 Conditional Use before (1) the establishment of a new formula retail use, as defined by
16 Planning Code Section 703.3(b); (2) the establishment of a new retail use that is 25,000 gross
17 square feet or larger; or (3) proceeding with a lot merger that results in lot that is greater than
18 25,000; and be it

19 FURTHER RESOLVED, That these interim controls shall not apply to any projects on
20 properties that have obtained a site permit at the effective date of this resolution; and be it

21 FURTHER RESOLVED, That for purposes of these interim controls "Conditional Use"
22 shall have the meaning given that term in Planning Code Section 303; and, be it

1 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
2 Commission, as part of its decision on a Conditional Use application for any use subject to
3 these controls, shall consider whether:

4 (1) Any new, reconfigured, or reconstructed building is attractive, sensitive to
5 surrounding buildings, and addresses the Bayshore Corridor as its main frontage;

6 (2) Ingress and egress for parking and loading is well considered, takes into
7 consideration a general desire to minimize frontage width dedicated to curb cuts and does not
8 unduly conflict with transit, automobile, and bicycle traffic;

9 (3) The proposed new use provides clear economic benefits to the City, particularly the
10 Bernal Heights and Bayshore communities;

11 (4) The proposed new development demonstrates leadership in sustainability either in
12 terms of the proposed retail business itself, and/or the treatment of the site and building(s);

13 (5) The degree to which the proposed new use provides for job creation and/or
14 retention in the community; and, be it

15 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
16 (18) months or until the adoption of permanent legislation implementing the Green and
17 Sustainable Home Improvement District for the Bayshore Corridor, whichever is sooner; and,
18 be it

19 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
20 with Priority Policies the Planning Code Section 101.1, because, by requiring Conditional Use
21 authorization for certain retail projects, they will conserve and protect existing neighborhood
22 character (Policy 1); assure that projects do not negatively impact Muni transit operations
23 (Policy 4); maintain a diverse economic base by regulating against inappropriate development
24 and other potentially harmful development patterns (Policy 5). With respect to the other
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1 Priority Policies, such as affordable housing (Policy 3), earthquake preparedness (Policy 6),
2 landmarks and historic buildings (Policy 7) and open space (Policy 8), the Board finds that
3 these interim zoning controls do not, at this time, have an effect upon these policies, and thus,
4 will not conflict with said policies.

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APPROVED AS TO FORM:

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DENNIS J. HERRERA, City Attorney

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By:

Andrea Ruiz-Esquide
Deputy City Attorney

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