

1 [Interim Zoning Requiring Conditional Use Authorization for Change in Use or Reduction of  
2 15,000 square feet or more of Recreational Space.]

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4 **Resolution imposing interim zoning controls establishing a requirement for conditional**  
5 **use authorization for a change in use or reduction in size of any recreational space of**  
6 **15,000 square feet or more including indoor or outdoor facilities for a six (6) month**  
7 **period and making a determination of consistency with the priority policies of Planning**  
8 **Code Section 101.1.**

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10 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning  
11 controls to accomplish several objectives, including control of uses which generate an  
12 adverse impact on open space and other recreational areas and facilities, preservation of the  
13 existing character of neighborhoods, and development and conservation of the commerce and  
14 industry of the City in order to maintain adequate services for its residents, visitors,  
15 businesses and institutions; and,

16 WHEREAS, San Francisco has experienced a significant diminishment of recreational  
17 space and further loss of such space is contemplated; and,

18 WHEREAS, On December 21, 2006, interim controls intended and designed to deal  
19 with and ameliorate the problems and conditions associated with the change in use or  
20 reduction in size of existing recreational spaces of 15,000 square feet or more to another use  
21 went into effect for a period of eighteen (18) months and have now expired; and,

22 WHEREAS, Pursuant to Section 306.7(h), interim controls may remain in place for up  
23 to twenty-four months; and

24 WHEREAS, This Board has considered the impact on the public health, safety, peace  
25 and general welfare, including, but not limited to, adverse impacts on open space and other

1 recreational areas, facilities and spaces; the impacts on the existing character of  
2 neighborhoods; and development and conservation of the commerce and industry of the City  
3 in order to maintain adequate services for its residents, visitors, businesses and institutions;  
4 and,

5 WHEREAS, This Board has determined that the public interest will best be served by  
6 imposition of these interim controls for an additional six (6) months in order to ensure that the  
7 legislative scheme which may ultimately be adopted is not undermined during the planning  
8 and legislative process for permanent controls; now, therefore, be it

9 RESOLVED, That, pursuant to Planning Code Section 306.7, the Board of Supervisors  
10 hereby requires conditional use authorization prior to a change in use or reduction in size of  
11 any recreational space of 15,000 square feet or more; and, be it

12 FURTHER RESOLVED, That for purposes of these interim controls, "recreational  
13 space" shall include uses defined under Planning Code Sections 209.4 ["community  
14 facilities"], 209.5 ["open recreation and horticulture"], 218 ["personal services"], 221.4(a)  
15 ["clubhouse"], 221.4(b) ["lodge buildings"], 221.4(e) ["recreational buildings"], 221.4(g)  
16 ["private noncommercial recreational open use"], 221.4(h) ["recreational building"], 221.4(h)  
17 ["amusement park, and related commercial amusement enterprises not conducted in  
18 completely enclosed buildings"]; and, be it

19 FURTHER RESOLVED, That for purposes of these interim controls, "conditional use"  
20 shall have the meaning given to such terms in Planning Code Section 303; and, be it

21 FURTHER RESOLVED, That for purposes of these interim controls, the Planning  
22 Commission, as part of its decision on a conditional use application for any use subject to  
23 these controls, shall consider the criteria for a conditional use articulated in Planning Code  
24 Section 303; and, be it

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1 FURTHER RESOLVED, That if replacement recreational space is provided, the  
2 Planning Commission shall consider the extent to which such recreational space is of like-kind  
3 to that lost or replaced; and, be it

4 FURTHER RESOLVED, That if replacement recreational space is provided, the  
5 Planning Commission may consider the extent to which any public or non-member access to  
6 the recreational space that existed in the prior project is maintained in the proposed project;  
7 and, be it

8 FURTHER RESOLVED, That for purposes of these interim controls, any project that  
9 includes as part of the project a one-for-one like-kind replacement of each square foot of  
10 recreational space demolished with a new recreational space on-site, shall not require a  
11 conditional use authorization for purposes of this Resolution, unless a conditional use is  
12 otherwise required for the project; and, be it

13 FURTHER RESOLVED, That these interim controls shall remain in effect for six (6)  
14 months or until the adoption of permanent legislation regulating change in use or reduction of  
15 recreational space, whichever first occurs; and, be it

16 FURTHER RESOLVED, That these interim controls advance and are consistent with  
17 Priority Policies 2 and 8 of Planning Code Section 101.1 in that they attempt to preserve the  
18 character and quality of our neighborhoods and protect our parks and open space from  
19 development. With respect to Priority Policies 1, 3, 4, 5, 6, and 7, the Board finds that the /

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1 interim zoning controls will have no effect upon these policies and thus will not conflict with  
2 said policies.

3 APPROVED AS TO FORM;  
4 DENNIS J. HERRERA, City Attorney

5 By: \_\_\_\_\_  
6 JUDITH A. BOYAJIAN  
7 Deputy City Attorney

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