

1 [Interim Controls Regulating Certain Uses in the Showplace Square/Potrero Hill Area.]

2 **Resolution adopting interim controls for a period of eighteen (18) months that would**
3 **impose more restrictive zoning regulations in six defined subareas in the Showplace**
4 **Square/Potrero Hill Community Plan Area generally bounded on the north by Bryant**
5 **and Division Streets, on the east by 7th Street and the San Francisco Bay, on the south**
6 **by Islais Creek and 26th Street, and on the west by Potrero Avenue; adopting findings.**
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8 WHEREAS, Since the mid-1990s there has been a proliferation of unplanned
9 commercial and live/work developments in the industrially zoned areas in Showplace Square
10 and Lower Potrero Hill, and those developments have occurred without plans for adequate
11 transit service, community services, open space, and affordable housing; and
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13 WHEREAS, Unplanned developments have been displacing small businesses and
14 industries in and around Potrero Hill; and

15 WHEREAS, Inappropriate developments are harming the community because they
16 increase traffic and noise, and create conflicts with adjacent residential property; and,

17 WHEREAS, The Planning Department has failed to propose new zoning controls which
18 preserve existing housing and expand new housing opportunities where housing would be
19 appropriate if it is planned in a neighborhood context with sufficient transit, open space, and
20 community services; and

21 WHEREAS, The City has not adopted permanent Planning Code amendments to
22 protect PDR (production, distribution and repair) businesses in the Potrero Hill area; and

23 WHEREAS, The Planning Department has allowed live/work developments to
24 proliferate next to RH-2 (two-family) and RH-3 (three-family) zoning districts, towering over
25 adjacent properties and blocking access to light and air for adjacent residential properties; and

1 WHEREAS, Because live/work developments are considered a commercial use, they
2 pay greatly reduced school fees, have 100% lot coverage, conflict with Proposition M
3 guidelines on residential character, and do not provide for open space or affordable units,
4 which are required for residential developments; and

5 WHEREAS, In its application of the Industrial Protection Zone guidelines, the Planning
6 Commission has allowed what is tantamount to lot-by-lot de facto zoning changes; and

7 WHEREAS, Many developers now want to build housing in areas which have no
8 supporting neighborhood infrastructure and which, in many instances, threaten existing PDR
9 uses; and

10 WHEREAS, There are six distinct areas in the Showplace Square/Potrero Hill Area
11 which have separate needs; and

12 WHEREAS, The Showplace Square area to the west of Mission Bay was excluded
13 from the South of Market rezoning in the mid-1980s and has never been the subject of a
14 comprehensive planning analysis of its transit service and transportation needs, how that area
15 should relate to the South of Market, Potrero Hill and Mission Districts, and what should be its
16 role in providing for additional housing; and

17 WHEREAS, The Daggett Triangle to the northwest of 16th and 7th Streets includes a
18 campus of the California College of Arts and Crafts (CCAC), is near the new Mission Bay
19 University of California San Francisco campus and, if appropriately planned, could be a
20 housing and community resource for those campuses; and

21 WHEREAS, Before new housing developments are approved in Showplace Square
22 and the Daggett Triangle, it is important that the City adopt a plan setting out the locations
23 where housing is appropriate and where it is not appropriate, and ensure that neighborhood
24 services, including parks, transit service and sidewalk improvements, are available to support
25 that housing; and

1 WHEREAS, It is crucial that the area west of Mission Bay between Bryant and 16th
2 Streets be carefully planned before major changes in use occur because this is where the
3 street patterns of the South of Market, lower Potrero Hill, and the Mission converge; and

4 WHEREAS, This area west of Mission Bay is where the streets were historically
5 developed and used for local truck traffic and there are relatively few through streets; and

6 WHEREAS, Adding major new auto dependent uses in this area would put substantial
7 transportation demands not only on the immediate area but also on surrounding
8 neighborhoods; and

9 WHEREAS, Most of the streets and sidewalks in this area were not developed for
10 pedestrian use, necessitating substantial public improvements if the area becomes more
11 dense; and

12 WHEREAS, The Planning Department did not adopt interim controls to stabilize the
13 Central Waterfront, Showplace Square/Lower Potrero Hill, or Hunters Point communities and
14 protect existing residents and businesses while the respective planning processes are
15 underway, but instead has approved the construction of hundreds of live/work lofts in many of
16 these areas; and

17 WHEREAS, There is an existing power plant, a proposed new power plant, and other
18 industrial uses in the Central Waterfront area east of 3rd Street; and

19 WHEREAS, It is inappropriate to approve new housing near an existing power plant
20 and other industrial uses until a full community plan has been completed;

21 WHEREAS, The Planning Department is presently engaged in the Better
22 Neighborhoods 2002 planning process in the Central Waterfront, the Planning Commission
23 has established a Showplace Square/Lower Potrero Community Plan Area, and the
24 Redevelopment Agency anticipates presenting the Board of Supervisors with a
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1 Redevelopment Plan for Bayview Hunters Point that includes areas of the Central Waterfront
2 south of Cesar Chavez Street; and

3 WHEREAS, The industrially- zoned area south of 16th Street, which abuts the
4 residential area of Potrero Hill, has been transformed by new office projects, live/work units,
5 and conversion of PDR uses to information technology businesses without prior planning of
6 those uses; and

7 WHEREAS, Areas under and adjacent to Interstate 280 often lack through or paved
8 streets and have traditionally been the location of low-intensity industrial uses, but are now
9 being transformed into other uses which have not been planned and which may interfere with
10 circulation at critical intersections and freeway ramps; and

11 WHEREAS, Large projects which do not conform to the pattern of development on
12 Potrero Hill are being proposed, particularly around the industrial edges of the residentially
13 zoned part of Potrero Hill; and

14 WHEREAS, Community residents and businesses have developed a concept for how
15 they would like to see the Showplace Square/Potrero Hill area evolve, which would protect
16 PDR uses and allow housing development in appropriate areas; and

17 WHEREAS, The community's concept includes the following elements:

18 (a) maximizing housing opportunities, particularly for affordable housing, after first
19 planning an appropriate neighborhood context with adequate transit, parks, neighborhood-
20 serving retail, and other necessary amenities;

21 (b) a well-defined edge of the neighborhood while also strengthening Potrero Hill's
22 connection with Mission Bay;

23 (c) community gardens, open green space, and street trees that have a continuity
24 with the Mission Bay plan;

25 (d) uses that foster a partnership between CCAC and UCSF;

1 (e) transit hubs developed along 16th Street to connect with hubs at 3rd and 16th
2 Streets, 4th and Townsend, and the Civic Center;

3 (f) a well developed transit system that connects the community to the 16th Street
4 hubs;

5 (g) ground floor retail and community services with housing above that could
6 include uses such as: grocery, shoe repair, outdoor café, dry cleaning, bike shop, drug store,
7 retail such as a clothing shop, shoe shop, bookstore;

8 (h) use of sidewalks for pedestrian activities and café use;

9 (i) pedestrian-only alleys;

10 (j) public art;

11 (k) parking under the freeway at Showplace Square; and

12 WHEREAS, Interim zoning controls are required to prohibit uses that would conflict
13 with the community's vision and encourage uses that would be compatible with the
14 community's vision while the City is studying the area; and

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

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

23 WHEREAS, The Board of Supervisors finds that these interim controls are necessary
24 in order to control the adverse impacts brought to the area by inappropriate new development
25 and to prohibit development that would conflict with the community's vision for the area until

1 the Planning Department can complete studies of appropriate General Plan, Zoning Map, and
2 Planning Code amendments for these areas; and

3 WHEREAS, The Board of Supervisors finds that these interim controls enhance and
4 are consistent with the purpose of the Planning Code as set forth in Section 101 and with the
5 Priority Policies of Planning Code Section 101.1 in that they: conserve and protect existing
6 housing and neighborhood character by ensuring that new development respects existing
7 residential development (Policy 2) and protects the industrial and service sectors from
8 displacement (Policy 5). The other Priority Policies are not impacted; and

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

12 RESOLVED, That the more restrictive of either the current Planning Code or the
13 interim controls set forth below are hereby imposed on the Showplace Square/Potrero Hill
14 Community Plan Area generally bounded on the north by Bryant and Division Streets, on the
15 east by 7th Street and the San Francisco Bay, on the south by Islais Creek and 26th Street,
16 and on the west by Potrero Avenue. The Showplace Square/Potrero Hill Community Plan
17 Area is comprised of the following six subareas and one area overlay:

18 **Showplace Square Design Area.** This subarea is bounded by Bryant Street on the
19 North to 7th Street on the east, south on 7th Street to Channel, west on Channel to Carolina,
20 south on Carolina to 16th Street, east on 16th Street to 7th Street, south on Mississippi to 17th
21 Street, west on 17th Street to Potrero, north on Potrero to Division, and west on Division to
22 Bryant.

23 **Daggett Triangle.** This subarea is bounded by 7th Street south to 16th Street, west on
24 16th Street to Carolina, north on Carolina to Channel, and east on Channel to 7th Street.

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1 **17th Street to 18th Street Industrial Buffer Area.** This subarea is south of 17th Street
2 between Potrero Avenue and Mississippi Street to 18th Street.

3 **18th Street to 26th Street.** This subarea is bounded on the west by Potrero Avenue
4 between 18th Street and Cesar Chavez, east on Cesar Chavez to Vermont, north on Vermont
5 to 26th Street, east on 26th Street to Connecticut, north on Connecticut to 25th Street, east on
6 25th Street to Pennsylvania, north on Pennsylvania to Mariposa, plus the residentially zoned
7 portions of Blocks 4104, 4063 and 4040 on the east side of Pennsylvania.

8 **Central Waterfront/Dogpatch.** This subarea starts at the southeast corner of
9 Mariposa and Indiana, runs east on Mariposa to San Francisco Bay, south along San
10 Francisco Bay to Islais Creek, west along Islais Creek to the west side of the Interstate 280
11 freeway structure, north along Interstate 280 to Pennsylvania, north on Pennsylvania to 23rd
12 Street, east on 23rd Street to Indiana, and north on Indiana to Mariposa.

13 **Interstate 280 District.** This subarea is bounded on the west by Mississippi between
14 7th and 18th Streets, east on 18th Street to the western boundary of the M-1 zoned portion of
15 Assessor's Block 4040, south along the western boundary of the M-1 zoned portion of
16 Assessor's Blocks 4040, 4063 and 4104, south on Pennsylvania to 23rd Street, east on 23rd
17 Street to Indiana, north on Indiana to Mariposa, west on Mariposa to Pennsylvania, north and
18 then northwest on Pennsylvania to the intersection of 16th and 7th Streets.

19 **North Side of 17th Street Overlay.** This area is an overlay on the north side of 17th
20 Street between Potrero Avenue on the west and Mississippi and 7th Streets on the east.

21 FURTHER RESOLVED, That no City agency, board, commission, officer, or employee
22 may approve or issue any demolition permit, site permit, building permit, grading permit,
23 conditional use authorization, or any other land use entitlement inconsistent with the following
24 controls so long as they are in effect:
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1 **1. Requirements Applicable to All Subareas in the Showplace Square/Potrero**
2 **Hill Community Plan Area:**

3 (a) North of 25th Street, new experimental laboratories shall be prohibited west of 3rd
4 Street; south of 25th Street, new experimental laboratories shall be prohibited west of
5 Tennessee Street.

6 (b) Notice. The Potrero Area Guideline Committee, if established, or other
7 neighborhood organization or individual requesting notice, shall be notified of any alteration
8 permit claiming current use as office. The burden shall be on the applicant to prove that it is
9 lawful preexisting office space as defined in Section 320(k) of this Code. Members of the
10 public shall have a period of no less than ten (10) days to file a written challenge to any such
11 submission with the Zoning Administrator. Notice shall also be given to the above
12 organizations and individuals of any application for a change or use or planned unit
13 development.

14 (c) Residential uses, other than planned unit developments, shall comply with the
15 following requirements:

16 (i) Rear yards:

17 A. rear yards shall be 45% or an average of structures on adjacent
18 residential lots; if an adjacent lot is vacant, it shall be deemed to have a 45%
19 rear yard;

20 B. full lot coverage is allowed only if adjacent lots have existing
21 structures with full lot coverage and only to the same height as the existing
22 structures;

23 C. existing rear yard structures allowed pursuant to Section 136 of this
24 Code will not count towards rear lot coverage calculations;

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1 (ii) Height and bulk of new construction shall preserve to the greatest extent
2 possible the existing light and air of existing buildings.

3 (d) To the maximum extent authorized by law, housing affordable to all levels
4 of income, in particular to very low, low and moderate income households, shall be
5 provided in every new housing project in the areas covered by these controls.

6 **2. Showplace Square Design Area.** In the Showplace Square Design area:

7 (a) The following uses shall be encouraged:

8 (i) design-related businesses and showrooms;

9 (ii) PDR (production, distribution, and repair), particularly at the ground floor
10 level;

11 (iii) community services.

12 (b) The following uses are prohibited:

13 (i) residential uses, with the exception of the area bounded by Townsend
14 east to 7th Street, South to Berry, west to DeHaro, north to Division, and west to
15 Townsend, where housing shall be a conditional use for projects where at least 20
16 percent of the units are affordable to a household, as defined in Planning Code Section
17 313.1, earning no more than 50 percent of the area median income (AMI) for a
18 continuous 50-year period, or for projects where at least 25 percent of the units are
19 affordable to a household earning no more than 60 percent of the AMI for a continuous
20 50-year period;

21 (ii) gasoline service stations;

22 (iii) research or testing and experimental laboratories;

23 (iv) “big box” retailers;

24 (v) live/work;

25 (vi) self storage;

- (vii) internet services exchange; and
- (viii) offices, except when it is community service.

3. Daggett Triangle. In the Daggett Triangle subarea:

(a) The following uses are prohibited:

- (i) residential uses;
- (ii) gasoline service stations;
- (iii) research and testing or experimental laboratories;
- (iv) “big box” retailers;
- (v) live/work;
- (vi) self storage; and
- (vii) internet services exchange;
- (viii) offices except when it is community service; and
- (ix) information technology.

4. 17th Street to 18th Street Industrial Buffer Area. In this subarea:

(a) Residential uses which comply with the standards set forth in Section 1(c) of these controls shall be encouraged.

(b) Planned unit developments which are at least two-thirds residential shall be encouraged west of Arkansas Street.

(c) Rooflines should follow and respect the existing topography;

(d) Floor-to-floor heights shall not be greater than 12 feet;

(e) Facades shall be provided which harmonize with the rhythm of the adjacent buildings and the character of the area;

(f) Demolition or conversion of existing PDR uses shall require conditional use authorization. In addition to the criteria set forth in Section 303 of this Code, the Planning Commission shall require:

1 (i) the existing PDR use to be replaced with a new PDR use or to remain as
2 part of the new project with at least the same square footage; and

3 (ii) loading docks and truck access sufficient for the commercial uses.

4 To the extent feasible, the project should allow for ground floor retail or future ground floor
5 retail.

6 (g) Any change of use shall require conditional use authorization.

7 **5. 18th Street to 26th Street.** In this subarea, the following uses are prohibited:

8 (a) live/work;

9 (b) office uses over 2500 square feet, except when it is community service;

10 (c) information technology;

11 (d) research or testing and experimental laboratories.

12 **6. Central Waterfront/Dogpatch.** In the Central Waterfront/Dogpatch subarea:

13 (a) All land south of 23rd Street shall be for industrial or PDR use only.

14 (b) Residential uses above commercial are allowed on the lots fronting on either
15 side of Third Street north of 23rd Street.

16 (c) Office and other commercial uses are allowed on all land between Mariposa and
17 18th Streets.

18 (d) On all other land west of 3rd Street, with the exception of the existing NC-2 in
19 which NC-2 uses are permitted, the only allowable uses are residential, arts activities and
20 spaces (as defined in Section 102.2 of the Planning Code), and public uses. The allowable
21 uses for any existing office building in excess of 80,000 square feet also include a post-
22 secondary educational institution with accessory retail.

23 (e) On Port property within the Pier 70 Opportunity Site, as defined in Port
24 Commission Resolution No. 97-50, uses permitted in that resolution, as amended by
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1 Resolution No. 01-12, and other uses specifically allowed by further amendments adopted by
2 the Port Commission, shall be allowed uses under these interim controls.

3 (f) On all other land east of 3rd Street, offices and housing are not permitted; the
4 only allowable uses are PDR, community services, and arts activities and spaces.

5 **7. Interstate 280 District.**

6 (a) Conversion of existing live/work buildings to office use is prohibited.

7 (b) The following uses are prohibited:

8 (i) residential uses, except for parcels zoned RH-2 where residential uses
9 are permitted;

10 (ii) live/work;

11 (iii) offices;

12 (iv) information technology;

13 (v) retail sales; and

14 (vi) “big box” retailers.

15 **8. North Side of 17th Street Overlay Controls.** In the area covered by these
16 controls north of 17th Street, the following additional controls shall apply:

17 (a) The following uses require conditional use authorization:

18 (i) information technology uses greater than 5,000 square feet;

19 (ii) changes of use greater than 2500 square feet;

20 (iii) demolition or conversion of existing PDR uses.

21 (b) In its consideration of projects in the overlay area, in addition to other criteria set
22 out in the Planning Code the Planning Commission shall specifically consider:

23 (i) how the proposed project will affect the ability of the City to develop a
24 comprehensive plan which balances the uses in this area so that necessary transit,
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1 open space, street improvements, and community services are in place before major
2 new uses are constructed;

3 (ii) whether there is adequate transit to reduce automobile traffic in the area;

4 (iii) whether and by what means the project will maximize transit use by its
5 tenants and customers;

6 (iv) the extent to which the project will provide shuttle service to transit hubs;

7 (v) the extent to which the project will contribute its proportional share to
8 infrastructure costs such as street lights, stop lights, bike lanes, sidewalks, and other
9 similar improvements; and

10 (vi) whether sufficient open space available to the public has been provided.

11 FURTHER RESOLVED, That for purposes of these interim controls, “big box” retailers
12 shall mean a single tenant retail establishment with a gross floor area in excess of 25,000
13 square feet, excepting one where no less than 70 percent of the sales area is used to sell
14 groceries or food products; and be it

15 FURTHER RESOLVED, That for purposes of these interim controls, “community
16 service” shall mean “a nonretail use which includes executive, technical, management, clerical
17 and administrative support for the provision of social, health, housing, employment, legal,
18 cultural, or arts-related services to the general public, principally to persons who earn 60% of
19 the Area Mean Income (AMI)”; and be it

20 FURTHER RESOLVED, That for purposes of these interim controls, “design-related”
21 businesses and showrooms shall include (a) wholesale offices or showrooms with storage
22 limited to samples, (b) trade expositions, (c) wholesale establishments with not more than
23 1500 square feet of accessory storage per establishment, and (d) interior decorating shops,
24 include upholstering and making of draperies, slip covers, and other similar articles; and be it
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1 FURTHER RESOLVED, That for purposes of these interim controls, “information
2 technology” shall mean “space within a structure intended or primarily suitable for occupancy
3 by persons who perform for their own benefit or provide to others at that location multimedia,
4 software development, web design, electronic commerce, research and development and
5 other computer-based technology, either to the general public or to the business community;
6 and be it

7 FURTHER RESOLVED, That for purposes of these interim controls, “internet services
8 exchange” shall mean “a location that contains any of the following uses (excluding any
9 commercial wireless transmitting, receiving or relay facility described in Sections 227(h) and
10 227(j))of the Planning Code: switching equipment (whether wireline or wireless) that joins or
11 connects occupants, customers or subscribers to enable customers or subscribers to transmit
12 data, voice or video signals and provide other data processing sevicees; or a group of network
13 servers; and be it

14 FURTHER RESOLVED, That for purposes of these interim controls, “PDR”
15 (production, distribution and repair businesses) shall mean uses as described in Exhibit B of
16 Planning Commission Resolution No. 16202; and be it

17 FURTHER RESOLVED, That these controls shall remain in effect for a period of
18 eighteen (18) months unless extended by the Board; and be it

19 FURTHER RESOLVED, That when permanent controls are enacted for the specific
20 subareas set forth above, these interim controls shall no longer be in effect for that subarea;
21 and be it

22 FURTHER RESOLVED, That if any part or provision of these interim controls, or the
23 application thereof to any person or circumstance, is held invalid, the remainder of these
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1 interim controls, including the application of such part or provision to other persons or
2 circumstances, shall not be affected thereby and shall continue in full force and effect; to this
3 end, provisions of these interim controls are severable.

4 APPROVED AS TO FORM

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6 LOUISE H. RENNE
7 City Attorney

8 By _____
9 JUDITH A. BOYAJIAN
10 Deputy City Attorney

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