

File No. 091209

Committee Item No. 3

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 15, 2010

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
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#### OTHER

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Completed by: Alisa Somera Date March 11, 2010

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file and the online version.

1 [Interim Zoning Controls for the Bayshore Corridor]

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

14  
15  
16  
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  
24  
25

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 Heights 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  
25

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  
24  
25

1 the Board of Supervisors in File No. 091209 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  
25

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.

5  
6 APPROVED AS TO FORM:

7 DENNIS J. HERRERA, City Attorney

8  
9 By:

  
10 Andrea Ruiz-Esqueda  
11 Deputy City Attorney

## LEGISLATIVE DIGEST

[Interim Zoning Controls Requiring Conditional Use Authorization for All Projects that Involve Establishment of a Formula Retail Use, New Retail Uses of 25,000 Gross Square Feet or Larger, and/or a Lot Merger that Creates a New Lot that is 25,000 Square Feet or Larger on Properties Fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway.]

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

### Existing Law

Formula retail uses are defined by Section 703.3 of the Planning Code as "a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or servicemark."

Formula retail uses have been regulated in the City since 2004. Under current law, formula retail uses require a conditional use authorization under Section 303 of the Planning Code within some areas of the City (such as most Neighborhood Commercial districts, the RC-3 and RC-4 districts along Van Ness Avenue, and several mixed used districts), and are altogether prohibited within other areas (such as the Hayes-Gough Neighborhood Commercial District, the North Beach Neighborhood Commercial District and the Chinatown Visitor Retail District.)

### Amendments to Current Law

This resolution imposes new, interim zoning controls under Planning Code Section 306.7, for all projects on properties located on the Bayshore Corridor and adjacent streets, in the



FILE NO.

Bayview Hunters Point area of the City, which entail (1) establishment of a formula retail use, (2) new retail uses that are 25,000 gross square feet or larger, and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, or until permanent controls are adopted. Specifically, the legislation applies to properties fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway. The area is currently zoned industrial (M-1 and M-2).

The interim controls require conditional use authorization before the Planning Commission can approve a project that involves any of the actions listed above. It provides some criteria for the Planning Commission to take into account when considering a conditional use application, in addition to the criteria listed in Section 303 of the Planning Code. These criteria are (1) whether any new, reconfigured, or reconstructed building is attractive, sensitive to surrounding buildings, and addresses the Bayshore Corridor as its main frontage; (2) whether ingress and egress for parking and loading is well considered, takes into consideration a general desire to minimize frontage width dedicated to curb cuts and does not unduly conflict with transit, automobile, and bicycle traffic; (3) whether the proposed new use provides clear economic benefits to the City, particularly the Bernal Heights and Bayshore communities; (4) whether the proposed new development demonstrates leadership in sustainability either in terms of the proposed retail business itself, and/or the treatment of the site and building(s); and (5) the degree to which the proposed new use provides for job creation and/or retention in the community.

#### Background Information

The purpose of these interim controls is to provide for Planning Commission oversight for any proposed formula retail, large retail use, or lot merger resulting in a large lot, that may conflict with the current planning and legislative efforts for the Bayshore Corridor.

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

February 25, 2010

File No. 091209-2

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Mr. Wycko:

On February 23, 2010, Supervisor Maxwell reactivated the following proposed legislation:

File: 091209

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

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Somera in cursive.

By: Alisa Somera, Committee Clerk  
Land Use & Economic Development Committee

Attachment

cc: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

Environmental Review Referral

*Exempt from Environmental Review  
per CEQA Guidelines, Section  
15060 (4) (3), and CEQA Section  
15378. Not a project.  
Nannie Turrell  
February 25, 2010*

# BAYSHORE BOULEVARD INTERIM CONTROLS BOUNDARIES

