

FILE NO. 010456 As Amended in Committee 5/8/01

RESOLUTION NO. 405-01

As amended in Board 5/14/01

1 [Interim Zoning Requiring Conditional Use Authorization for Internet Services Exchanges]

2
3 **Resolution imposing interim zoning controls defining internet services exchanges,**
4 **including internet services exchanges within the utility installation use category,**
5 **establishing a requirement for a conditional use authorization for internet services**
6 **exchanges in commercial and industrial zones, including without limitation, the C-1, C-**
7 **2, C-3-G, C-3-S, C-M, M-1, M-2, SLI and SSO zones exclusive of lots under the**
8 **jurisdiction of the San Francisco Port Commission or in a redevelopment project area**
9 **with an adopted redevelopment plan under the jurisdiction of the San Francisco**
10 **Redevelopment Agency Commission up to a six month period and making a**
11 **determination of consistency with the priority policies of Planning Code Section 101.1.**

12
13 WHEREAS, The City is experiencing a rapid increase in the development of facilities
14 that house telecommunication switching equipment, data processing centers and internet
15 server centers, hereinafter referred to as "internet services exchanges;" and,

16 WHEREAS, The Planning Department estimates that existing and planned internet
17 services exchanges in San Francisco total an estimated 2 million leasable square feet; and

18 WHEREAS, Internet services exchanges now under construction, permitted within the
19 last year, or currently requesting approval total over 1.7 million gross square feet and include
20 facilities at 1800 Mission Street, 2055 Folsom Street, 160 Harrison Street, 466 Townsend
21 Street, 5700 Third Street, 200 Paul Street, 400 Paul Street and 1828 Egbert Avenue; and,

22 WHEREAS, The Planning Department advises that an internet services exchange is
23 not a distinct identified use in the Planning Code, but that the Zoning Administrator has
24 classified an internet services exchange as a utility installation use, as defined in Planning
25

1 Code Section 209.6(b) and which under Planning Code Sections 227(e), 817.72 and 818.72 is
2 a permitted use in C-1, C-2, C-3-G, C-3-S, C-M, M-1, M-2, SLI and SSO zones; and,

3 WHEREAS, Internet services exchanges are largely concentrated in the Southeast
4 section of the City in areas which are zoned industrial or mixed use and allow a utility
5 installation as a permitted use; and,

6 WHEREAS, The retention of a variety of industrial uses, including production,
7 distribution and repair businesses, in the City's remaining industrial areas, is necessary to
8 accommodate and support the local economy, and resident and visitor population; and,

9 WHEREAS, A concentration of any one particular industrial use in the City's limited
10 industrial areas and mixed use areas may result in the location of fewer other production,
11 distribution and repair businesses in the area of the City zoned industrial and mixed use and
12 discourage a diverse industrial base and local employment opportunities; and,

13 WHEREAS, A concentration of internet services exchanges in the industrial and mixed
14 use areas of the City may affect the existing character of these areas and adjacent residential
15 neighborhoods; and,

16 WHEREAS, Internet services exchanges raise energy policy concerns in that they
17 typically consume 35 to 65 watts of electricity per square foot of equipment use, or three times
18 the electricity demand of office use, consuming electricity at a rate equal to or exceeding that
19 of heavy industry; and,

20 WHEREAS, The Department of Environment estimates that assuming an average
21 electricity demand of 50 watts per square foot, 2 million square feet of internet services
22 exchanges dedicated to equipment use, would have a peak electricity demand of over 100
23 megawatts, which is about ten percent (10%) of San Francisco's current peak demand and
24 equivalent to the electricity demand of all of San Francisco's municipal functions; and,
25

1 WHEREAS, San Francisco's existing energy load exceeds the capacity of existing
2 transmission lines; and,

3 WHEREAS, The current energy crisis in California has highlighted the need to assess
4 San Francisco's energy needs, including the demand generated by internet services
5 exchanges, and how those needs can be met; and,

6 WHEREAS, Internet services exchanges may be able to incorporate measures to
7 reduce energy use into their facility designs; and,

8 WHEREAS, Internet services exchanges raise concerns about the generation of diesel
9 fuel emissions in that they require the use of backup generators that are most often powered
10 by diesel fuel; and,

11 WHEREAS, Diesel generators such as those used as backup generators for internet
12 services exchanges may not have the scrubbers and other clean air mechanisms of larger
13 plants because they are not expected to operate full time and if under 50 horsepower may not
14 need a permit to operate from the Bay Area Air Quality Control District; and,

15 WHEREAS, Backup generators are a potential source of air emissions because
16 typically they are tested weekly and additionally would operate continuously in an energy
17 blackout; and,

18 WHEREAS, Diesel emissions result in air pollution in the form of nitrogen oxides and
19 particulate matter, including diesel particulates, which the California Air Resources Board has
20 classified as a toxic air contaminant and therefore a potential health concern; and,

21 WHEREAS, The City Planning Code Section 303 provides for issuance of a conditional
22 use authorization in the specific situations in which such authorization is provided for
23 elsewhere in the Planning Code; and,

24 WHEREAS, The conditional use authorization process provides for the Planning
25 Commission to consider several factors in deciding whether to authorize a use, including, but

1 not limited to whether the proposed use is necessary or desirable for, and compatible with, the
2 neighborhood or the community, and whether the use will not be detrimental to the health,
3 safety, convenience or general welfare of persons residing or working in the vicinity; and,

4 WHEREAS, The procedure for consideration and imposition of interim zoning controls
5 by the Board of Supervisors is set forth in Section 306.7 of the City Planning Code; and,

6 WHEREAS, Planning Code Section 306.7 requires the Board of Supervisors to
7 consider the impact on the public health, safety, peace and general welfare if these interim
8 controls are not imposed; and,

9 WHEREAS, The imposition of these interim zoning controls is necessary to preserve
10 the status quo pending a study and determination by the Department of City Planning and the
11 Board of Supervisors of the appropriate permanent controls for internet services exchanges;
12 and,

13 WHEREAS, These controls are intended and designed to deal with and ameliorate the
14 problems and conditions associated with the rapid development of a large amount of square
15 footage devoted to internet services exchanges in a concentrated area of the City by defining
16 a use category for an internet services exchange, and requiring a conditional use
17 authorization for internet services exchanges during the next six months; now, therefore, be it

18 RESOLVED, That by this resolution the Board of Supervisors hereby prohibits any City
19 agency, board, commission, officer or employee from approving any site permit, building
20 permit or any other permit or license authorizing the construction or establishment of an
21 internet services exchange in San Francisco unless the action would conform both to the
22 existing provisions of the Planning Code and this resolution imposing interim controls on
23 internet services exchanges; and, be it

1 FURTHER RESOLVED, That for purposes of these interim controls "internet services
2 exchange" is hereby included within the "utility installation" use category as that term is
3 defined in Planning Code Section 209.6(b); and, be it

4 FURTHER RESOLVED, That for purposes of these interim controls "internet services
5 exchange" shall mean:

6 A location that contains any of the following uses (excluding any commercial wireless
7 transmitting, receiving or relay facility described in Planning Code Sections 227(h) and 227(i)):

8 (1) switching equipment (whether wireline or wireless) that joins or connects
9 occupants, customers or subscribers to enable customers or subscribers to transmit data,
10 voice or video signals to each other;

11 (2) one or more computer systems and related equipment used to build, maintain or
12 process data, voice or video signals and provide other data processing services; or,

13 (3) a group of network servers; and, be it

14 FURTHER RESOLVED, That a conditional use authorization is hereby required to
15 locate an internet services exchange in the commercial and industrial zones, including without
16 limitation, the C-1, C-2, C-3-G, C-3-S, C-M, M-1, M-2, SLI and SSO zoning districts exclusive
17 of lots under the jurisdiction of the San Francisco Port Commission or in a redevelopment
18 project area with an adopted redevelopment plan under the jurisdiction of the San Francisco
19 Redevelopment Agency Commission; and, be it

20 FURTHER RESOLVED, That the requirement for conditional use authorization as set
21 forth in these interim controls shall not apply to an internet services exchange that is an
22 accessory use, as set forth in the Planning Code, provided that the accessory use does not
23 exceed 35,000 gross square feet of floor area or use more than two megawatts of back-up
24 power generators; and, be it

1 FURTHER RESOLVED, That for purposes of these interim controls "conditional use"
2 shall have the meaning given that term in Planning Code Section 303, provided, however, that
3 in addition to the criteria set forth in Section 303(c), the Planning Commission shall consider
4 the extent to which these criteria are met:

5 (1) The intensity of the use at this location and in the surrounding neighborhood is
6 not such that allowing the use will likely foreclose the location of other needed neighborhood-
7 serving uses in the area.

8 (2) The building in which the use is located is designed in discrete elements, which
9 respect the scale of development in adjacent blocks, particularly any existing residential uses.

10 (3) Rooftop equipment on the building in which the use is located is screened
11 appropriately.

12 (4) The back-up power system for the proposed use is designed to minimize air
13 pollutant emissions at the location, such as through the use of best available control
14 technology, use of low-emission fuels and minimization of use of the back-up power system;

15 (5) For proposed uses designed to draw in excess of 25 watts of power per square
16 foot of occupied floor area, as defined by Planning Code Section 102.10, the proposed use:

17 (a) is designed to minimize energy consumption, such as through the use of ~~best~~
5/14/01 efficient
rt 18 ~~available energy efficiency~~ technology, including without limitation, heating, ventilating and air
19 conditioning systems, lighting controls, natural ventilation, and ~~best commercially available~~
5/14/01 recapturing
20 ~~technology to recapture waste heat~~ and as such commercially available technology
rt 21 evolves

22 (b) has examined the feasibility of supplying and, to the extent feasible, will supply
23 all or a portion of its power needs through on-site power generation, such as through the use
24 of fuel cells or co-generation.

25 The Planning Commission shall require as a condition of approval that the use submit
an annual report of total energy consumption;

DM
5/8/01

1 (6) Fixed-source equipment noise does not exceed the decibel levels specified in
2 the San Francisco Noise Control Ordinance; and, be it

3 FURTHER RESOLVED, That in adopting these interim controls, it is not the intent of
4 the Board of Supervisors to prohibit the provision of telecommunication services and no action
5 in furtherance of this resolution, including, but not limited to, the development of permanent
6 controls, shall prohibit or have the effect of prohibiting the provision of telecommunication
7 services; and, be it

8 FURTHER RESOLVED, That these interim controls shall remain in effect for six
9 months or until the adoption of permanent legislation regulating internet services exchanges,
10 whichever first occurs; and, be it

11 FURTHER RESOLVED, That these interim controls advance and are consistent with
12 numbers 1, 2, and 5 of the priority policies of the Planning Code section 101.1 in that they
13 attempt to conserve a diverse economic base, existing neighborhood-serving retail and
14 neighborhood character, and assure enhanced employment opportunities for residents. With
15 respect to Priority Policies numbered 3, 4, 6, 7 and 8, the Board finds that the interim zoning
16 controls will have no effect upon these policies, and thus, will not conflict with said policies.

17
18 APPROVED AS TO FORM:

19 LOUISE H. RENNE, City Attorney

20 By: 
21 ELAINE C. WARREN
22 Deputy City Attorney



City and County of San Francisco

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Tails Resolution

File Number: 010456

Date Passed:

Resolution imposing interim zoning controls defining internet services exchanges, including internet services exchanges within the utility installation use category, establishing a requirement for a conditional use authorization for internet services exchanges in commercial and industrial zones, including without limitation, the C-1, C-2, C-3-G, C-3-S, C-M, M-1, M-2, SLI and SSO zones exclusive of lots under the jurisdiction of the San Francisco Port Commission or in a redevelopment project area with an adopted redevelopment plan under the jurisdiction of the San Francisco Redevelopment Agency Commission up to a six month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

April 9, 2001 Board of Supervisors — SUBSTITUTED

May 14, 2001 Board of Supervisors — AMENDED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

May 14, 2001 Board of Supervisors — CONTINUED AS AMENDED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

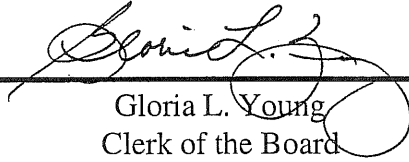
May 21, 2001 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin,
Sandoval

Absent: 2 - Newsom, Yee

File No. 010456


I hereby certify that the foregoing Resolution
was ADOPTED on May 21, 2001 by the
Board of Supervisors of the City and County
of San Francisco.



Gloria L. Young
Clerk of the Board

JUN 01 2001

Date Approved



Mayor Willie L. Brown Jr.