

1 [Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension.]

2

3 **Resolution extending the imposition of interim zoning controls for an additional six (6)**
4 **months in the area designated as "Area C" in the Bayview Hunters Point**
5 **Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters**
6 **Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a**
7 **conditional use permit for all new construction, changes of use, alterations that expand**
8 **the building envelope and demolitions, except for alterations of a lawfully existing use**
9 **in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground**
10 **floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied**
11 **in the evaluation of a conditional use permit application; and adopting findings.**

12

13 WHEREAS, On January 17, 2008, the City and County of San Francisco enacted
14 Board of Supervisors ("Board") Resolution No. 697-07, on file with the Clerk of the Board of
15 Supervisors in File No. 071564, that imposed interim controls on the portions of the Bayview
16 Hunters Point Survey Area ("Survey Area") known as Area C for an eighteen (18) month
17 period. Said Resolution is incorporated herein by reference; and

18 WHEREAS, The Redevelopment Agency ("Agency") and the Planning Department are
19 currently facilitating a public planning process for Area C (also referred to as the Hunters Point
20 Shoreline or India Basin Neighborhood) that will result in recommendations to the Board that
21 include land use controls and design guidelines for new development; and

22 WHEREAS, The new development regulations and standards are currently the subject
23 of environmental review; and

24 WHEREAS, The continued application of the conditional use requirement and specific
25 evaluative criteria are necessary to provide greater public scrutiny and Planning Commission

1 review of the establishment of inappropriate or oversized uses pending adoption of permanent,
2 area-specific controls, and to ensure that a permanent legislative program can be pursued
3 with the maximum participation by interested neighbors, organizations and property owners;
4 and

5 WHEREAS, The unique character of this neighborhood warrants the continuation of
6 specific zoning controls to preserve and enhance the diversity and scale of uses in the area;
7 and

8 WHEREAS, Planning Code Section 306.7(c) authorizes the Board of Supervisors to
9 extend interim controls in order to protect the public health, safety, and welfare and to ensure
10 that the proposed legislative program is not undermined pending adoption of the permanent
11 controls; and

12 WHEREAS, The Board of Supervisors has determined that the hardship on property
13 owners from modifying and extending the interim controls is outweighed by the detriment to
14 the public if the controls are not modified and extended; and

15 WHEREAS, Planning Code Section 306.7(b) provides that for the duration of these
16 controls, a proposed development shall conform to both the existing provisions of the
17 Planning Code and to these interim controls, whichever is more restrictive; now, therefore, be
18 it

19 RESOLVED, That the Board of Supervisors hereby extends the interim controls
20 specified in Resolution No. 697-07; 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

23 FURTHER RESOLVED, That the extension of these interim controls is necessary in
24 order to protect the public health, safety and welfare. Said controls advance and are
25 consistent with the priority policies of Planning Code Section 101.1, in that they attempt to

1 preserve and enhance existing neighborhood-serving retail uses, conserve existing housing
2 and neighborhood character, maintain a diverse economic base, and control uses which have
3 an adverse impact on City services and neighborhood parking. In addition, these controls
4 have no adverse impact on affordable housing, earthquake preparedness, landmarks and
5 historic buildings, or parks and open space; and, be it

6 FURTHER RESOLVED, That these interim controls shall apply retroactively and
7 remain in effect for a period of six (6) months from the termination of Resolution No. 697-07 or
8 until permanent controls are adopted, whichever shall first occur.

9

10 APPROVED AS TO FORM:

11 DENNIS J. HERRERA, City Attorney

12

13 By:

Elaine C. Warren
Deputy City Attorney

14

15

16

17

18

19

20

21

22

23

24

25