

1 [Amending and Extending Interim Controls Regulating Certain Uses in the Mission District.]
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 3 **Resolution amending interim controls to require conditional use and expanded public**
 4 **notice for certain uses in the Mission District in the Area Bounded by Guerrero Street,**
 5 **Cesar Chavez Street, Potrero Avenue and the Central Freeway, in the Valencia Street**
 6 **Neighborhood Commercial District, in the 24th Street – Mission Neighborhood**
 7 **Commercial District, on Mission Street From 15th Street to Cesar Chavez Street Zoned**
 8 **NC-3, and in the NEMIZ; extending the interim controls to July 7, 2003 or until**
 9 **permanent controls are adopted.**

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 11 Note: *Additions are italic, Times New Roman, single*
 12 *underlined; deletions are strikethrough italic, Times New Roman.*
 13 Board amendment additions are double underlined. Board
 14 amendment deletions are ~~strikethrough normal~~.

15 WHEREAS, The Commerce and Industry Element of San Francisco's General Plan
 16 advances Objectives and Policies calling for a balanced economic base for San Francisco,
 17 particularly those economic sectors that employ a high percentage of San Franciscans and
 18 provide entry-level employment opportunities; and,

19 WHEREAS, The industrial, manufacturing, tourist and service sectors have a long
 20 tradition in the Mission District's employment history, adding to the District's diversity both as
 21 an economic base and as a community that embraces, values and provides employment
 22 opportunities for people with a broad range of skills, trades and talents; and,

23 WHEREAS, The economic vitality and health of other major sectors of San Francisco's
 24 economy, such as retail, downtown office and medical services, among others, depend on
 25 adequate and essential support from the industrial, manufacturing, entertainment and service
 sectors; and,

1 WHEREAS, The availability of land zoned for industrial, manufacturing, nighttime
2 entertainment and service use has decreased progressively over the years, particularly by
3 construction of live/work and office uses whose owners and tenants may find such activities
4 offensive and incompatible, which results in pressures to diminish the viability of industrial,
5 manufacturing, entertainment and service activity and further convert industrial land to other
6 uses; and,

7 WHEREAS, To stabilize employment in the Mission until new zoning controls can be adopted it
8 is desirable to maintain existing Production, Distribution and Repair (PDR) businesses and buildings
9 which accommodate PDR uses; and

10 WHEREAS, The industrial areas of the Mission District have the original zoning
11 imposed when the City first adopted a zoning law more than fifty years ago, and these
12 controls have not been systematically reviewed or revised since their original adoption; and,

13 WHEREAS, The use tables setting out permitted and unpermitted uses in the industrial
14 areas of the Mission District are very out of date, particularly with respect to the office uses
15 now being introduced into the District; and,

16 WHEREAS, On December 15, 1994, after three years of public hearings concerning
17 potential uses in the Northeast Mission Industrial Zone (NEMIZ), the industrially-zoned portion
18 of the Mission District, the Planning Commission adopted Resolution 13794 designating an
19 Industrial Protection Zone (IPZ) in the NEMIZ and said it was concerned about live/work
20 projects, both in new construction and large conversions, due to their potential threat to the
21 viability and stability of the area's industrial, manufacturing, service and commercial activities;
22 and,

23 WHEREAS, In Resolution 13794 the Commission stated its policy to protect the NEMIZ
24 IPZ from all new live/work projects proposed for new construction or conversions of industrial
25 or commercial structures that would include ten or more live/work units in order to insure that

1 the vitality of industry and manufacturing uses continue to add to the economic diversity of the
2 NEMIZ so that these sectors could continue to provide employment opportunities for the
3 area's diverse population and to support and maintain the vitality of the other major sectors of
4 the economy of the NEMIZ and San Francisco as a whole; and,

5 WHEREAS, The NEMIZ has lost almost one-fifth of its developable land to non-
6 industrial uses in the six years since the Planning Commission adopted Resolution 13794
7 designating an IPZ in the NEMIZ; and,

8 WHEREAS, This lost space accounted for approximately sixty businesses providing
9 blue-collar jobs to local residents; and,

10 WHEREAS, The space developed in the NEMIZ between 1994 and 2000 provided
11 space for 6,000 new employees with no new transportation fees paid, and very little paid for
12 new housing and child care; and,

13 WHEREAS, On August 13, 1998, the Planning Department presented its Land Use
14 Study – Status Report to the Planning Commission to further discuss land use policy in
15 industrial areas; and,

16 WHEREAS, On April 8, 1999, the Planning Department issued its Zoning Options for
17 Industrial Land to address the issues and analyze the potential conflicts between live/work
18 and other types of development and to recommend certain actions aimed at balancing the
19 needs of live/work development and the industrial, manufacturing, tourist, maritime and
20 service sectors in order to protect the public health, safety and welfare; and,

21 WHEREAS, On April 22, 1999, the Planning Commission held a public hearing on the
22 Zoning Options Study, and four options for interim zoning controls; and,

23 WHEREAS, On May 13, 1999, after a public hearing, the Planning Commission
24 adopted Resolution 14825, which initiated imposition of the interim zoning controls; and,
25

1 WHEREAS, On August 5, 1999, after a public hearing, the Planning Commission
2 adopted Resolution 14861 imposing interim zoning controls for a period of eighteen months,
3 which created an IPZ where new live/work uses would not be permitted, a mixed-use housing
4 zone where live/work uses would be encouraged, and buffer zones where live/work uses
5 would require conditional use authorization; and,

6 WHEREAS, In the nineteen months since August 5, 1999 the Planning Commission
7 has failed to initiate or adopt permanent zoning controls in the industrial zones despite
8 Planning Code requirements that the Planning Department shall do a planning study and
9 propose permanent legislation during the pendency of the interim controls and make reports
10 at a public hearing at least every six months regarding the status of the permanent controls;
11 and,

12 WHEREAS, On November 2, 2000, after a public hearing, the Planning Commission
13 adopted Resolution 16020 extending the interim controls to August 4, 2001; and,

14 WHEREAS, Issues related to development in industrial areas have been raised by the
15 public during Planning Commission hearings since June 1997; and,

16 WHEREAS, Partly in response to concerns about the proliferation of live/work projects by
17 Mission District residents, the Board of Supervisors recently amended the Planning Code to prohibit
18 new live/work units; and,

19 ~~WHEREAS, Since January of 1997, when residents of the Mission District began asking the~~
20 ~~Planning Commission to control live/work development because of the adverse effects those projects~~
21 ~~were having on the District, the City has approved live/work projects in the NEMIZ at an accelerating~~
22 ~~pace; and~~

23 ~~WHEREAS, Despite its policy against live/work development in the NEMIZ IPZ, adopted in~~
24 ~~Resolution 13794, the Planning Commission has approved every live/work project proposed in the~~
25 ~~NEMIZ IPZ for a total of 130 units; and,~~

1 ~~WHEREAS, The Planning Department has approved 585 units of live/work in the non-IPZ area~~
2 ~~of the NEMIZ; and,~~

3 WHEREAS, With the exception of Project Artaud, all of the live/work units in the
4 Mission District have been market-rate units with no affordable units; and,

5 ~~WHEREAS, Construction of housing in the NEMIZ requires conditional use authorization,~~
6 ~~setbacks and some inclusionary affordable units, but "artist live/work" is a permitted use with no~~
7 ~~required setbacks or inclusionary affordable housing; and,~~

8 WHEREAS, Construction of housing did not occur in the NEMIZ over the past ten years
9 because it was less favored in the Planning Code than "artist live/work" use, skewing the
10 production of new housing to upper-income, non-family, non-affordable housing in an area
11 where low-income, family-housing predominates; and,

12 WHEREAS, Construction of and conversion of other uses to office space has resulted
13 in hundreds of thousands of square feet of new office space in the NEMIZ in the past five years,
14 generally rented at levels comparable to downtown office space; and,

15 WHEREAS, The amount of live/work and office space added to the NEMIZ has
16 resulted in the dislocation and removal of businesses, nonprofits, and arts organizations from
17 the Mission District; and,

18 WHEREAS, The Mission Street commercial corridor, zoned NC-3, has not been
19 reviewed for over a decade and needs evaluation as to appropriate zoning for large parcels to
20 ensure the appropriate mix of housing, community-serving businesses, nonprofit
21 organizations, arts activities, public uses, and commercial spaces; and,

22 WHEREAS, The Mission Street commercial corridor is an untapped resource for
23 transit-intensive, high-density housing, as well as commercial development; and,

24 WHEREAS, There remain few large lots on the Mission Street commercial corridor that
25 can be developed with significant affordable housing; and,

1 WHEREAS, Community-serving businesses, nonprofits, and arts organizations have
2 been increasingly displaced as office uses move from downtown to Mission Street; and,

3 WHEREAS, The neighborhood-serving pedestrian character of Valencia, Mission and
4 24th Streets have been compromised by an influx of information technology office
5 conversions, causing rising rents and evictions for long-time resident-serving businesses and
6 nonprofit organizations to make space for businesses which do not serve the general public;
7 and,

8 WHEREAS, The “business service” category has been used to introduce services like
9 “information technology” that provide no services to the general public; and,

10 WHEREAS, Even when the converted spaces are no longer occupied because of decreased
11 demand, ~~These~~ changes of use have caused irreparable harm to the Mission District business
12 community, including resulting in evictions from the Bayview Bank Building of over 25 nonprofit
13 organizations, media, lawyers, accountants and others who have provided long-time services
14 to local residents; and,

15 ~~WHEREAS, There was a 41% increase in average commercial lease rates in the Mission~~
16 ~~District between 1997 and 1999; and,~~

17 WHEREAS, It is necessary to create a “community service” use category, which allows
18 nonprofits, arts activities and community-serving small businesses to be located where
19 commercial uses which do not provide direct services to Mission District residents may be
20 inappropriate; and,

21 WHEREAS, It is necessary to create an “information technology” category until the City
22 is able to revise the Planning Code language, which currently does not provide for such uses;
23 and,

1 WHEREAS, Housing units throughout commercially-zoned areas of the Mission District
2 have been eliminated through conversions to other uses, either for larger commercial or
3 residential spaces; and,

4 WHEREAS, Tourist hotels attract tourist-serving businesses in place of affordable
5 services for the residents and business community; and,

6 WHEREAS, In recent years, construction of lower-income housing in the Mission
7 District has fallen considerably short of demand; and,

8 WHEREAS, Lower-income households in the Mission District have become even more
9 overcrowded, face ever escalating rents, and are being forced to leave the City; and,

10 WHEREAS, The largest amount of new housing in the Mission District has been in
11 live/work units, which are not affordable, do not provide family housing, and occupy land
12 which will never be available for affordable housing; and,

13 WHEREAS, Most of the housing and all of the live/work units which have been recently
14 constructed in the Mission District have no affordable units because the projects are being
15 constructed in sizes just under the threshold that would trigger the requirement to provide
16 affordable units or as live/work which require ds no affordability at all; and,

17 ~~WHEREAS, The Board of Supervisors is currently proposing legislation to reduce the~~
18 ~~inclusionary housing threshold and require inclusionary units in live/work projects; and,~~

19 WHEREAS, Parking in excess of the amount required drives up the cost of development, in
20 particular the cost of housing, and is not in keeping with the character of the Mission neighborhood;
21 and,

22 WHEREAS, The Mission has lower levels of automobile ownership than other neighborhoods
23 with many residents taking transit, bicycles or walking to work, and 60% of Mission residents walk to
24 the commercial areas to do their shopping; and,

1 WHEREAS, Existing Planning Code provisions regarding laboratories are over 40 years old
2 and are insufficient to address modern biotech laboratories; and,

3 WHEREAS, The City is currently in the process of developing Citywide standards regulating
4 wet labs, and until those standards are developed establishing the preferred distance between biotech
5 wet labs and residents, it is desirable to separate any such laboratories from residences; and,

6 WHEREAS, Large single-tenant retail facilities require a substantial amount of parking, which
7 encourages automobile usage, traffic problems and inappropriately low density levels given the limited
8 amount of land in the City; and,

9 WHEREAS, Large single-tenant retail facilities also have the potential to displace local small
10 businesses; and,

11 WHEREAS, New development on Mission Street between 14th and 15th Streets will add
12 pedestrians on a block which is not currently zoned for intense pedestrian activity, despite the fact that
13 is immediately to the north of the NC-3 Neighborhood Commercial District; and,

14 WHEREAS, Given the limited amount of land in the Mission available for housing and job-
15 producing businesses, large open parking lots waste valuable land, create "dead" spaces, attract
16 undesirable activity and become a blight on the community; and,

17 WHEREAS, Restaurants and bars in neighborhood commercial districts that are closed during
18 the day deaden the block on which they are located and do not generate a desirable level of pedestrian
19 activity for the other retail businesses; and,

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

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

4 WHEREAS, Interim controls are authorized to conserve the commerce and industry of
5 the City in order to maintain the economic vitality of the City, to provide its citizens with
6 adequate jobs and business opportunities, and to maintain adequate services for its residents,
7 visitors, businesses, and institutions; and,

8 WHEREAS, The Board of Supervisors finds that these interim controls are necessary
9 in order to direct office development into the Downtown core where there is transit capacity, to
10 protect residential and mixed-use areas of the City where office developments are
11 proliferating, and to prevent displacement of other viable economic uses which provide
12 needed services and employment to San Francisco residents until the Department of City
13 Planning can complete studies of appropriate General Plan, Zoning Map, and Planning Code
14 amendments for these areas; and,

15 WHEREAS, The Board of Supervisors finds that these interim controls enhance and
16 are consistent with the purpose of the Planning Code as set forth in Section 101 and with the
17 Priority Policies of Planning Code Section 101.1 in that: (a) they conserve and protect existing
18 housing and neighborhood character (Policies 2 and 3) by ~~prohibiting~~ requiring conditional use
19 for the conversion and demolition of residential uses and ~~by prohibiting or requiring conditional~~
20 ~~use~~ for certain large non-retail uses; (b) they maintain a diverse economic base by protecting
21 the City's industrial and service sectors from displacement due to commercial office
22 development (Policy 5); and (c) they have no impact on existing neighborhood-serving retail
23 uses or resident employment (Policy 1), commuter traffic or transit service (Policy 4),
24 earthquake preparedness (Policy 6), landmarks and historic buildings (Policy 7), or parks and
25 open space (Policy 8); and,

1 WHEREAS, The Mission District interim controls will expire on July 7, 2002; and,

2 WHEREAS, The Board of Supervisors is authorized by Planning Code Section 306.7(~~e~~)
3 (~~h~~) to ~~initiate the procedure for imposing~~ extend the duration of the interim controls for an additional
4 period of time not to exceed a total of 24 months, by a resolution adopted by majority vote; and,
5 ~~now, therefore, be it~~

6 WHEREAS, While there will no doubt be some hardship on property owners and
7 developers who will now need to go through a public hearing process, based on the evidence
8 presented this Board finds that the detriment to the public if the controls are not imposed
9 clearly outweighs the hardship to property owners and developers; and,

10 WHEREAS, Rezoning studies are underway for the Mission and require another year for
11 environmental review and adoption of revisions to the Planning Code and General Plan; ~~and,~~ now,
12 therefore, be it

13 RESOLVED, That the interim controls set forth below are hereby imposed on all
14 property within the defined sub-areas for the duration of the controls. No City agency, board,
15 commission, officer, or employee may approve any demolition permit, site permit, building
16 permit, grading permit, conditional use authorization, or any other land use entitlement
17 inconsistent with the following controls for as long as they are in effect:

18 (a) **The Mission District in the Area Bounded by Guerrero Street, Cesar**
19 **Chavez Street, Potrero Avenue, and the Central Freeway.**

20 (i) New tourist hotels ~~are not permitted~~ require a conditional use authorization, unless
21 such hotels contain 9 or more single room occupancy rooms or apartments for rent of which at
22 least 40% will be rented at below market rates under Mayor's Office of Housing Guidelines,
23 and contain at least 1000 gross square feet of Administrative Services Space devoted to a
24 non-profit tenant at a below market rental rate.

1 (ii) Any demolition of a residential use ~~is prohibited~~ requires a conditional use
2 authorization, except to construct an “affordable housing project” as defined in Planning Code
3 Section 313.1.

4 (iii) For any change of use in the Mission District as defined above, whether or not it
5 is considered a change of use under the Building Code, ~~a discretionary review hearing by the~~
6 ~~Planning Commission and posting of a sign on the property in compliance with the~~
7 ~~requirements of Planning Code Section 306.8 are mandatory~~ a notice pursuant to Planning
8 Code Section 312 is mandatory and, notwithstanding Planning Code Section 352(b), no fee
9 shall be charged to the Discretionary Review requestor who files pursuant to this notice.

10 (iv) Except for residentially-zoned areas where a conditional use is not now
11 required, aAll new market-rate housing projects or conversions of existing residential uses to
12 market-rate housing shall require conditional use authorization, unless a new market rate
13 housing project contains 10 or more group housing units, and contains 9 or more single room
14 occupancy rooms or apartments of which at least 40% will be rented at below market rates
15 under Mayor's Office of Housing Guidelines.

16 (v) To provide early notice of proposed projects and allow for community input in advance
17 of the conditional use hearing, no later than 30 days after a conditional use application is deemed
18 complete, the Planning Department shall mail to those persons who receive notice pursuant to
19 §306.3(a)(2) a notice describing the proposed project and that an application has been filed.

20 (vi) For every project which requires providing notice and plans under either Planning
21 Code §311 or §312, such notice and plans shall be mailed no later than 30 days prior to any scheduled
22 hearing on that project. Such notice and plans shall also be provided for any project in the NEMIZ for
23 which these controls require discretionary review.

24 (vii) The following shall be a principal permitted use:
25

1 (A) projects where at least 25% of the units are affordable to persons earning 60%
2 of the area mean income (AMI); for a continuous 50 year period, as provided in affordability
3 restrictions set forth in a Notice of Special Restrictions or similar instrument to be recorded in
4 the official records of *the City and County of San Francisco County*, which provides in each case
5 that the project is subject to the monitoring and enforcement provisions of Planning Code
6 Sections ~~315.6 and 315.7~~ and 315.8;

7 (B) senior housing projects in which all units are affordable to persons earning 60%
8 of the AMI; for a continuous 50 year period, as provided in affordability restrictions set forth in
9 a Notice of Special Restrictions or similar instrument to be recorded in the official records of
10 *the City and County of San Francisco County*, which provides in each case that the project is
11 subject to the monitoring and enforcement provisions of Planning Code Sections ~~315.6 and~~
12 315.7 and 315.8;

13 (C) limited equity cooperative projects; and

14 (D) community land trust.

15 (viii) In areas zoned M-1 and M-2, ~~no any~~ office use (which includes an “information
16 technology” use) in excess of 1,500 gross square feet ~~is permitted~~ requires a conditional use
17 authorization unless it is a "community service" use as defined in these controls.

18 (ix) In areas zoned C-1, C-2, C-3-0, C-3-R, C-3-G, C-3-S, and C-M, a utility
19 installation as defined in Planning Code Section 209.6(b) shall require a conditional use
20 authorization.

21 (x) Accessory parking shall be limited to three spaces where one space is required by the
22 Planning Code and four spaces where two spaces are required by the Code. All other parking in
23 excess of that required by the Code shall require a conditional use authorization.

24 (xi) Experimental laboratories, as defined in Planning Code Section 226(f), shall be
25 permitted with a conditional use authorization only (a) after San Francisco has adopted citywide

1 standards regulating wet labs, and (b) at sites which are at least 500 feet from all zones in which
2 housing is a permitted use.

3 (xii) Open automobile parking lot in excess of 5,000 square feet shall require a conditional
4 use authorization. Lots expressly for parking trucks, buses, equipment or distribution vehicles are
5 exempt from this provision.

6 (xiii) Adult entertainment, as defined in Planning Code Section 221(k), shall require a
7 conditional use authorization.

8 (xiv) Check cashing facilities, as defined in California Civil Code Section 1789.31 shall
9 require a conditional use authorization.

10 (xv) Merger of dwelling units shall require a conditional use authorization.

11 (b) **Valencia Street Neighborhood Commercial District.** The Zoning Control
12 Table in Planning Code Section 726 is modified as follows:

13 (i) Section 726.21, Use Size [Non-residential], is modified to permit use sizes up to
14 2,000 square feet as a principal use and to require use sizes above 2,000 square feet to
15 obtain a conditional use authorization.

16 (ii) Section 726.38, Residential Conversion, is modified to ~~prohibit~~ require a
17 conditional use authorization for conversion of a residential use on all stories.

18 (iii) Section 726.39, Residential Demolition, is modified to ~~prohibit~~ require a
19 conditional use authorization for demolition of a residential use on all stories.

20 (iv) Section 726.53, Business or Professional Service, is modified to permit as a
21 principal use on the 1st story a “community service” use (as defined in these interim controls)
22 of any square footage, to allow on the 1st story a business or professional service that is not a
23 community service use of up to 2,000 square feet as a principal permitted use and of more
24 than 2,000 square feet as a conditional use.

1 (v) Section 726.55, Tourist Hotel, is modified to ~~prohibit~~ require a conditional use
2 authorization for a tourist hotel use on all stories.

3 (vi) An “information technology” use (as defined in these interim controls) ~~is~~
4 ~~prohibited~~ requires a conditional use authorization on all stories.

5 (c) **24th Street – Mission Neighborhood Commercial District.** The Zoning
6 Control Table in Planning Code Section 727 is modified as follows:

7 (i) Section 727.38, Residential Conversion, is modified to ~~prohibit~~ require a
8 conditional use authorization for conversion of a residential use on all stories.

9 (ii) Section 727.39, Residential Demolition, is modified to ~~prohibit~~ require a
10 conditional use authorization for demolition of a residential use on all stories.

11 (iii) Section 727.53, Business or Professional Service, is modified to permit as a
12 principal use on the 1st story a “community service” use (as defined in these interim controls)
13 of any square footage, to allow on the 1st story a business or professional service that is not a
14 community service use of up to 2,000 square feet as a principal permitted use and of more
15 than 2,000 square feet as a conditional use.

16 (iv) An “information technology” use (as defined in these interim controls) ~~is~~
17 ~~prohibited~~ requires a conditional use authorization on all stories.

18 (d) **Mission Street from 15th Street to Cesar Chavez Street Zoned NC-3.** The
19 NC-3 Zoning Control Table in Planning Code Section 712 is modified as follows:

20 (i) Section 712.21, Use Size [Non-residential], is modified to permit use sizes up to
21 2,999 square feet as a principal use and to require use sizes above 2,999 square feet to
22 obtain a conditional use authorization except buildings above 2,999 square feet that contain at
23 least 1000 gross square feet of Administrative Service Space rented to a non-profit
24 organization at a below market rate, and contain 9 or more new SRO rooms or apartments
25 and at least 10 units of group housing shall be permitted as a principal use..

1 (ii) Section 712.38, Residential Conversion, is modified to ~~prohibit~~ require a
2 conditional use authorization for conversion of a residential use on all stories.

3 (iii) Section 712.39, Residential Demolition, is modified to ~~prohibit~~ require a
4 conditional use authorization for demolition of a residential use on all stories.

5 (iv) Section 712.70, Administrative Service, is modified to ~~prohibit~~ require a
6 conditional use authorization for an administrative service use on all stories unless it is a
7 “community service” use (as defined in these interim controls). provided, however, that if at
8 least 1000 gross square feet of the Administrative Service use is rented to a non-profit
9 organization at a below market rate rent, such prohibition shall not apply. A community
10 service use is permitted as a principal use on all stories.

11 (v) An “information technology” use (as defined in these interim controls) ~~is~~
12 ~~prohibited~~ requires a conditional use authorization on the 1st and 2nd stories and is permitted as
13 a principal use on the 3rd story and above.

14 (vi) All lots over 40,000 square feet require a conditional use authorization for all
15 uses.

16 (e) **Northeast Mission Industrial Zone (NEMIZ).** In the area defined as the
17 Northeast Mission Industrial Zone (NEMIZ) in Planning Commission Resolution 13794:

18 (i) ~~no~~ Any office use (which includes an “information technology” use) in excess of
19 1,500 gross square feet ~~is permitted~~ requires a conditional use authorization unless it is a
20 “community service” use (as defined in these interim controls);

21 (ii) All conversions of “live/work,” as defined in Planning Code Section 233, to an
22 office use ~~are prohibited~~ require a conditional use authorization; and

23 (iii) ~~all new “live/work” projects are prohibited.~~ Any retail sales or personal services use,
24 as defined in Planning Code Section 218 (b), which exceeds 10,000 square feet for a single user shall
25 require a conditional use authorization.

1 (iv) In addition to compliance with the controls governing the NEMIZ, lots facing Mission
2 Street between 14th and 15th Street shall also meet requirements governing NC-3 parcels in both the
3 Planning Code and these interim controls.

4 (v) If there has been Production, Distribution and Repair (PDR) use on the site of a
5 proposed project at any point since August 5, 1999, any demolition or change to non-PDR use shall
6 require a conditional use authorization. To stabilize PDR uses in the NEMIZ, ~~no~~ demolition of a
7 building with PDR use or change to a non-PDR use shall be ~~allowed~~ disfavored if an existing PDR
8 use will be dislocated, or if a PDR use was dislocated within the previous 24 months, or if there is a
9 change to a non-PDR use, or if the demolition or change of use will eliminate significant adaptable,
10 reusable space for another PDR use. The only exceptions shall be where the replacement use will
11 include at least 25% affordable housing as defined in Planning Code Section 803.5(f) or for community
12 service use as defined herein.

13 FURTHER RESOLVED, That for the purposes of these interim controls, the Planning
14 Commission, as part of its decision on a conditional use application for any use subject to these
15 controls, shall consider the following criteria in addition to the criteria set forth in Planning Code
16 Section 303:

17 (a) Whether a restaurant or bar is open during the day and thereby helps generate a
18 desirable level of pedestrian activity in the neighborhood commercial district;

19 (b) Whether transit use, pooled or shared vehicle use, including the provision of space
20 therefor, are encouraged and whether parking in excess of that required is discouraged;

21 (c) With respect to applications for any retail sales or personal services use, for a single
22 user in excess of 10,000 square feet, these additional criteria shall apply:

23 (i) the impact of the employees on the demand in the City for housing, public transit,
24 childcare, and other social services; to the extent relevant, the Commission shall also consider the
25 seasonal and part-time nature of the facility,

1 (ii) the measures that will be taken by the project sponsor to employ residents of San
2 Francisco in order to minimize increased demand for regional transportation.

3 (iii) whether the project will meet the standards set out in the San Francisco
4 Minimum Compensation Ordinance, and

5 (iv) the extent to which existing small businesses will be adversely affected by
6 operations of the facility;

7 (d) Whether required parking is incorporated into the building and whether air rights over
8 any parking are developed with another use or dedicated as usable open space;

9 (e) If demolition or change to non-PDR use is permitted, whether tenants have been
10 provided with relocation benefits according to the standards of the Uniform Relocation Act or whether
11 a similar amount of PDR is being provided elsewhere in the NEMIZ;

12 (f) The extent to which commercial uses serve the surrounding neighborhood;

13 (g) Whether floor-to-ceiling heights in residential projects are less than 11 feet and thereby
14 protect the residential character of the area; and

15 (h) Whether a housing project helps meet the need for family housing by providing a
16 minimum of 25% of non-senior housing in multiple bedroom units.

17 FURTHER RESOLVED, That for the purpose of these interim controls, the term
18 “Community service” shall mean “a nonretail use which includes executive, technical,
19 management, clerical, and administrative support for the provision of social, health, housing,
20 employment, legal, cultural, or arts services to the general public, principally to persons of
21 who earn 60% of the Area Mean Income (AMI), and an office used by a non-profit labor union
22 organization; and be it

23 FURTHER RESOLVED, That for the purpose of these interim controls, the term
24 “Information technology” shall mean “space within a structure intended or primarily suitable for
25 occupancy by persons who perform for their own benefit or provide to others at that location

1 multimedia, software development, web design, electronic commerce, research and
2 technology and other computer-based technology, either to the general public or to the
3 business community”; and be it

4 FURTHER RESOLVED, That for the purpose of these interim controls, “information
5 technology” shall be considered an office use; and be it

6 FURTHER RESOLVED, That these controls shall remain in effect until July 7, 2003
7 ~~unless extended by the Board~~; and be it

8 FURTHER RESOLVED, That when permanent controls are enacted for the specific
9 sub-areas set forth above, the interim controls shall no longer be in effect for that sub-area.

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11 APPROVED AS TO FORM

12 DENNIS J. HERRERA
13 City Attorney

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16 By _____
17 JUDITH A. BOYAJIAN
18 Deputy City Attorney

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