

1 [Interim Zoning Requiring Conditional Use Authorization for Large Retail Uses]

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3 **Resolution imposing interim zoning controls establishing a requirement for conditional**  
4 **use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and**  
5 **SSO zones, including lots under the jurisdiction of the San Francisco Port Commission**  
6 **or in a redevelopment project area with an adopted redevelopment plan under the**  
7 **jurisdiction of the San Francisco Redevelopment Agency Commission, for a one year**  
8 **period and making a determination of consistency with the priority policies of Planning**  
9 **Code Section 101.1.**

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11 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning  
12 controls to accomplish several objectives, including development and conservation of the  
13 City's commerce and industry to maintain the City's economic vitality, provide its citizens with  
14 adequate jobs and business opportunities and maintain adequate services for its residents,  
15 visitors, businesses and institutions; preservation of neighborhoods and areas of mixed  
16 residential and commercial uses and their existing character; and control of uses that  
17 generate an adverse impact on vehicular traffic; and

18 WHEREAS, Land zoned for industrial and mixed residential and commercial uses  
19 constitute a small portion of the City's total supply of land and is well-utilized at present; and

20 WHEREAS, Retention of a mix of industrial and commercial uses in certain  
21 commercial, industrial, and mixed-use areas of the City is critical to maintaining the City's  
22 economic vitality and providing adequate jobs, business opportunities and services for  
23 residents and businesses; and

24 WHEREAS, Development of any one large retail use in the City's limited industrial  
25 areas, specific commercial areas, and mixed use areas may result in the location of fewer

1 other industrial and commercial uses within the commercial, industrial, and mixed-use areas  
2 of the City and discourage a diverse industrial and commercial base; and

3 WHEREAS, Given the mixed nature of development in certain commercial, industrial,  
4 and mixed-use areas of the City, development of any one large retail use in these areas may  
5 result in a scale of development which is inappropriate and incompatible with nearby and  
6 adjacent buildings; and

7 WHEREAS, Development of any one large retail use may impair the preservation and  
8 enhancement of neighborhood-serving retail and discourage a diverse commercial base; and

9 WHEREAS, Development of any one large retail use designed primarily for customers  
10 arriving at the establishment by private motor vehicle will tend to attract customers from  
11 outside the immediate neighborhood and encourage more vehicular traffic and concentrate  
12 vehicular traffic in one location; and

13 WHEREAS, These controls are intended and designed to deal with and ameliorate  
14 the problems and conditions associated with the location of a large retail use in certain  
15 commercial, industrial, and specified mixed-use zones by requiring conditional use  
16 authorization during the next year for a retail use over a specified size; and

17 WHEREAS, This Board has considered the impact on the public health, safety, peace,  
18 and general welfare if the interim controls proposed herein were not imposed; and

19 WHEREAS, This Board has determined that the public interest will be best served by  
20 imposition of these interim controls at this time in order to ensure that the legislative scheme  
21 which may be ultimately adopted is not undermined during the planning and legislative  
22 process for permanent controls; now, therefore, be it

23 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by  
24 this resolution, hereby prohibits any City agency, board, commission, officer or employee from  
25 approving any site permit, building permit or any other permit or license authorizing the

1 construction or establishment of any retail sales and personal services use as defined in  
2 Planning Code Section 218(b) that is larger than 50,000 square feet of gross floor area,  
3 unless the action would conform both to the existing provisions of the Planning Code and this  
4 resolution imposing interim controls; and, be it

5 FURTHER RESOLVED, That for the purpose of these interim controls “gross floor  
6 area” shall have the meaning in Planning Code Section 102.9 and additionally shall include  
7 floor space in open or roofed exterior or partially enclosed areas used for retail sales or  
8 personal services, and, be it

9 FURTHER RESOLVED, That a conditional use authorization is hereby required to  
10 establish any retail sales and personal services use as defined in Planning Code Section  
11 218(b) that is larger than 50,000 square feet of gross floor area in the C-2, C-M, M-1, M-2,  
12 RSD, SLR, SLI, SPD and SSO zoning districts, including lots with such zoning designations  
13 that are under the jurisdiction of the San Francisco Port Commission or in a redevelopment  
14 project area with an adopted redevelopment plan under the jurisdiction of the San Francisco  
15 Redevelopment Agency Commission; and, be it

16 FURTHER RESOLVED, That the interim controls described herein shall not be  
17 applicable to a retail sales and personal services use that is larger than 50,000 square feet of  
18 gross floor area if such use: (1) devotes at least 75% of its gross floor area to grocery or  
19 specialty grocery merchandise or (2) is located in the Northeast China Basin Special Use  
20 District as defined in Planning Code Section 249.18 or in the Candlestick Point Special Use  
21 District as defined in Planning Code Section 249.19; and, be it

22 FURTHER RESOLVED, That for purposes of these interim controls “conditional use”  
23 shall have the meaning given that term in Planning Code Section 303; and, be it

24 FURTHER RESOLVED, That these interim controls shall remain in effect for one year  
25 or until the adoption of permanent legislation regulating any retail sales and personal services

1 use as defined in Planning Code Section 218(b) that is larger than 50,000 square feet of gross  
2 floor area, whichever first occurs; and, be it

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

9 APPROVED AS TO FORM:

10 LOUISE H. RENNE, City Attorney  
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12 By:

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13 John D. Malamut  
14 Deputy City Attorney  
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