

Amendment of the Whole  
November 5, 2007

FILE NO. 071332

RESOLUTION NO.

1 [Interim Zoning - conditional use authorization in the Eastern Neighborhoods.]

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3 **Resolution imposing interim zoning controls to require conditional use authorization**  
4 **for all uses in the Eastern Neighborhoods, including the submission of various reports,**  
5 **for an eighteen (18) month period and making environmental findings and a**  
6 **determination of consistency with the priority policies of Planning Code Section 101.1.**

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

15 WHEREAS, The San Francisco Planning Department currently is engaged in a  
16 community-based planning effort for land areas within the South of Market, Mission District,  
17 Showplace Square/Potrero Hill, and the Central Waterfront, otherwise known as the Eastern  
18 Neighborhoods Rezoning Area Plans ("Area Plans"). The Area Plans are comprised of 4  
19 areas referred to as East SOMA (the eastern portion of the South of Market District), the  
20 Mission, Showplace Square/Potrero Hill, and the Central Waterfront. The East SOMA Plan is  
21 bounded generally by Folsom Street on the northwest, the Rincon Hill Plan area (essentially  
22 Second Street) on the east, Townsend Street on the south, and Fourth Street on the west,  
23 with an extension to the northwest bounded by Harrison, Seventh, Mission, Sixth (both sides),  
24 Natoma, Fifth, and Folsom Streets. The Mission Plan is bounded by 13<sup>th</sup> and Division Streets  
25 on the north, Potrero Avenue on the east, Cesar Chavez on the south, and Guerrero Street on

1 the west. The Showplace Square/Potrero Hill Plan is generally bonded by Bryant Street and  
2 10<sup>th</sup> Street on the northwest, Seventh Street on the northeast, Interstate Highway 280 (I-280)  
3 on the east, 25<sup>th</sup> and 26<sup>th</sup> Streets on the south, and Potrero Avenue on the west. The Central  
4 Waterfront Plan is bounded by Mariposa Street on the north, San Francisco Bay on the east,  
5 Islais Creek on the south, and I-280 on the west. A copy of the boundaries of the Area Plans  
6 are identified in the Eastern Neighborhoods Rezoning and Area Plans Draft Environmental  
7 Impact Report (Planning Department Case No. 2004.0160E, State Clearinghouse Number  
8 2005032048, dated June 30, 2007) and the relevant pages showing these boundaries are on  
9 file with the Clerk of the Board of Supervisors in File No. 071332 and are incorporated herein  
10 by reference; and,

11 WHEREAS, The residents and businesses of the neighborhoods within the Area Plans  
12 have invested years of effort to determine their community's future; and,

13 WHEREAS, The residents and businesses of the neighborhoods within the Plan Area  
14 represent an irreplaceable element of San Francisco's diversity, and their preservation as  
15 such is critical to retaining the very essence of San Francisco; and,

16 WHEREAS, In order to guide the planning and environmental review process for the  
17 Eastern Neighborhoods community planning effort, the Board of Supervisors adopted  
18 Resolution No. 0020-07, a copy of which is on file with the Clerk of the Board of Supervisors  
19 in File No. 061342 and is incorporated herein by reference; and,

20 WHEREAS, These controls are intended and designed to deal with and ameliorate  
21 the problems and conditions associated with development within the Eastern Neighborhoods  
22 in advance of completion of the community planning effort by requiring conditional use  
23 authorization for all uses during the next eighteen (18) months; and,

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

1           WHEREAS, This Board has determined that the public interest will be best served by  
2 imposition of these interim controls at this time in order to ensure that the legislative scheme  
3 which may be ultimately adopted is not undermined during the planning and legislative  
4 process for permanent controls; and,

5           WHEREAS, The Planning Department has determined that the actions contemplated in  
6 this Resolution are in compliance with the California Environmental Quality Act (California  
7 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
8 the Board of Supervisors in File No. 071332 and is incorporated herein by reference; now,  
9 therefore, be it

10           RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by  
11 this Resolution, hereby requires that the establishment of any use involving new construction  
12 within the Area Plans, as defined above, requires conditional use authorization pursuant to  
13 Section 303 unless such use already is prohibited; and, be it

14           FURTHER RESOLVED, That these controls shall apply to any project that has not  
15 received its final building permit or site permit; and, be it

16           FURTHER RESOLVED, That for purposes of these interim controls, the Planning  
17 Department, as part of the submission of any conditional use application for any use subject  
18 to these controls, shall require the following reports:

19           (a) If the use includes residential uses, a report on the use's impacts on the City's  
20 ability to meet the housing production percentage targets identified in the applicable Housing  
21 Element of the San Francisco General Plan;

22           (b) A report on how the use will impact existing recreation and community facilities,  
23 including open space, recreation and team sports, and community facilities adequate to serve  
24 the use;

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1 (c) A report of the use's impacts on transit routes and improvements necessary to  
2 serve the use;

3 (d) A report on the use's impacts on mixed-use sites that supply neighborhood serving  
4 commercial retail to the use;

5 (e) A report on the use's impact on existing Production, Distribution, and Repair (PDR)  
6 businesses, building stock, and clusters;

7 (f) A report on the use's impact on arts venues, work spaces, and clusters; and

8 (g) A report on the use's impact on historic resources; areas of historic, architectural or  
9 aesthetic value; and potential historic resources and districts; and, be it

10 FURTHER RESOLVED, That the reports and analyzes above shall be prepared by  
11 qualified experts in the fields related to the particular topical areas identified above; and, be it

12 FURTHER RESOLVED, That the Planning Commission, as part of its deliberations for  
13 conditional use authorization, shall consider the information contained in such reports and  
14 analyzes and make specific findings about the project's impacts in each topical area; and, be  
15 it

16 FURTHER RESOLVED, That for purposes of this Resolution, PDR is defined as set  
17 forth in Planning Commission Resolution Number 16727 (2004), a copy of which is on file with  
18 the Clerk of the Board of Supervisors in File No. 071332; and, be it

19 FURTHER RESOLVED, Notwithstanding the above controls, during the term of these  
20 interim controls no institutional use may replace a PDR use within the Area Plans; and, be it

21 FURTHER RESOLVED, The following projects are exempt from these controls:

22 (a) Projects for which the Planning Commission has issued conditional use  
23 authorization, and such authorization is final and effective, on or before the effective date of  
24 the legislation;

25 (b) Projects involving alternations or minor additions not defined as new construction;

1 (c) Projects that require Planning Code Section 311 notice unless the project involves  
2 a demolition or dwelling unit merger;

3 (d) Projects in which: (i) 100% of the on-site residential units are "affordable to  
4 qualifying households," as defined in Planning Code Section 315.1(3), (ii) the affordable units  
5 remain affordable as set forth in Planning Code Section 315.7, and (iii) all other applicable  
6 requirements in Planning Code Sections 315.7 and 315.8 are satisfied; or

7 (e) Projects involving the establishment of full service restaurant or small self-service  
8 restaurants, Planning Code Section 790.92 and 790.91 respectively, in Neighborhood  
9 Commercial Districts, as established in Article 7 of the Planning Code; and, be it

10 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen  
11 (18) months or until the adoption of permanent legislation for the Eastern Neighborhoods Area  
12 Plans, whichever first occurs; and, be it

13 FURTHER RESOLVED, That these interim controls advance and are consistent with  
14 numbers 1, 2 and 5 of the Priority Policies of the Planning Code Section 101.1 in that they  
15 attempt to conserve a diverse economic base and existing neighborhood-serving retail and  
16 neighborhood character. These controls also are consistent with Priority Policy 3 in that they  
17 preserve existing affordable housing and will generate information that will assist in the City's  
18 ability to enhance affordable housing opportunities. The controls are consistent with Policy 4  
19 in that will minimize exacerbating commuter traffic and impeding transit service and will  
20 generate adequate analysis to determine the extent of transportation impacts. With respect to  
21 Priority Policies 7 and 8, the Board finds that the interim zoning controls will allow for the  
22 preservation of historic resources and the protection of parks and open space because  
23 adequate analysis will be performed to identify whether a project has impacts on these  
24 resources. The Board finds that these controls will have no effect upon Policy 6, and thus, will  
25 not conflict with said Policy.

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APPROVED AS TO FORM:

Dennis J. Herrera, City Attorney

By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney