

1 [Visitacion Valley Interim Controls Extension.]

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3 **Resolution extending the imposition of interim zoning controls, as modified, for an**  
4 **additional twelve (12) months by applying the zoning controls applicable in NC-3**  
5 **districts that are contained in the Planning Code Section 712 to Assessor's Blocks**  
6 **5087, 5100, and 5101 and Block 5099, Lot 14, subject to a specified exception; by**  
7 **requiring conditional use authorization for any non-residential use size in excess of**  
8 **sixty-five thousand (65,000) square feet on Assessor's Blocks 5087, 5100, and 5101 and**  
9 **Block 5099, Lot 14, and in the adjacent NC-3 district located on Bayshore Boulevard**  
10 **and bounded by Arleta Avenue on the north and the terminus of the City and County of**  
11 **San Francisco to the south; and adopting findings pursuant to Planning Code Section**  
12 **101.1.**

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14 WHEREAS, On March 9, 2001, the City and County of San Francisco enacted Board of  
15 Supervisors Resolution No. 159-01, on file with the Clerk of the Board of Supervisors in File  
16 No. 001557, that imposed interim controls on Visitacion Valley's NC-3 District and adjacent  
17 properties for a twelve (12) month period. Said Resolution is incorporated herein by  
18 reference; and

19 WHEREAS, The unique character of this neighborhood warrants the continuation of  
20 specific zoning controls to preserve and enhance residential uses and compatible  
21 neighborhood-oriented commercial uses; and

22 WHEREAS, The continued extension of the NC-3 zoning controls to adjacent  
23 industrially-zoned land would preserve the neighborhood commercial character of Visitacion  
24 Valley and allow for the establishment of appropriate commercial uses; and

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1           WHEREAS, Visitacion Valley would benefit from a conditional use requirement on large  
2 non-residential uses in order to ensure a diverse array of commercial and retail uses at  
3 varying sizes; and,

4           WHEREAS, The extension of interim controls, as modified, are necessary to provide  
5 greater public scrutiny and Planning Commission review of the establishment of inappropriate  
6 or oversize uses pending the adoption of permanent controls and to ensure that a permanent  
7 legislative program can be pursued with the maximum participation by interested neighbors,  
8 organizations and property owners; and

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

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

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

20           RESOLVED, That the Board of Supervisors hereby extends the interim controls  
21 specified in Resolution No. 159-01 and modifies such controls as follows:

22           (a)     Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14, as designated  
23 on Section Map 10 of the San Francisco Zoning Map, shall be subject to the zoning controls  
24 applicable in Moderate-Scale Neighborhood Commercial Districts (NC-3) contained in  
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1 Planning Code Section 712, except that any use prohibited in such an NC-3 District shall be  
2 subject to a conditional use authorization; and

3 (b) A non-residential use size in excess of sixty-five thousand (65,000) square feet  
4 on Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14, as designated on  
5 Section Map 10 of the San Francisco Zoning Map, and in the adjacent NC-3 District  
6 established along Bayshore Boulevard bounded by Arleta Boulevard to the north and the  
7 terminus of the City and County of San Francisco to the south shall be subject to conditional  
8 use authorization; and, be it

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

11 FURTHER RESOLVED, That the extension of these interim controls is necessary in  
12 order to protect the public health, safety and welfare. Said controls advance and are  
13 consistent with the priority policies of Planning Code Section 101.1, in that they attempt to  
14 preserve and enhance existing neighborhood-serving retail uses, conserve existing housing  
15 and neighborhood character, maintain a diverse economic base, and control uses which have  
16 an adverse impact on City services and neighborhood parking. In addition, these controls  
17 have no adverse impact on affordable housing, earthquake preparedness, landmarks and  
18 historic buildings, or parks and open space; and, be it

19 FURTHER RESOLVED, That if any other interim controls applicable to the subject NC-  
20 3 District and Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14 are in effect at  
21 the time these controls are enacted, the more restrictive provisions among the controls shall  
22 apply; and, be it

23 FURTHER RESOLVED, That these interim controls shall remain in effect for a period  
24 of twelve (12) months from the termination of Resolution No. 159-01 or until permanent  
25 controls are adopted, whichever shall first occur.

1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By: \_\_\_\_\_  
4 John D. Malamut  
5 Deputy City Attorney  
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