

1 [Interim Zoning Requiring Conditional Use Authorization for Formula Retail Use in Showplace
2 Square/Potrero Hill and Central Waterfront Areas.]

3 **Resolution imposing interim zoning controls that require conditional use authorization**
4 **for the establishment of a formula retail use, including requirements for certain**
5 **Planning Commission findings and specified public notice, in the Showplace Square/**
6 **Potrero Hill and Central Waterfront areas, as specified herein, for a twelve (12) month**
7 **period and making a determination of consistency with the priority policies of Planning**
8 **Code Section 101.1.**

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

17 WHEREAS, The San Francisco Planning Department currently is engaged in a
18 community-based planning effort for the Showplace Square/Potrero Hill and Central
19 Waterfront neighborhoods; and,

20 WHEREAS, The Showplace Square/Potrero Hill and Central Waterfront plan areas
21 contain numerous community-based businesses and vibrant commercial districts that should
22 be promoted and protected; and,

23 WHEREAS, Much of the zoning within these plan areas is M-1 and M-2, zoning
24 classifications that specifically prohibit neighborhood-serving retail; and,

1 WHEREAS, These controls are intended and designed to deal with and ameliorate
2 the problems and conditions associated with formula retail use in certain commercial,
3 industrial, and specified mixed-use zones by requiring conditional use authorization for
4 specified such uses during the next twelve (12) months; and,

5 WHEREAS, In evaluating the merits of imposing these controls and their duration, this
6 Board has considered the hardship on property owners if the controls are adopted and the
7 impact on the public health, safety, peace, and general welfare if the interim controls
8 proposed herein were not imposed; and,

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

13 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by
14 this resolution, hereby prohibits any City agency, board, commission, officer or employee from
15 approving any site permit, building permit or any other permit or license authorizing the
16 construction or establishment of a formula retail use, as defined in Planning Code Section
17 703.3, unless the action would conform to this resolution imposing interim controls; and, be it

18 FURTHER RESOLVED, That a conditional use authorization is hereby required to
19 establish a formula retail use in the areas specified below, including lots specified below that
20 are or may be under the jurisdiction of the San Francisco Port Commission where such
21 controls may be imposed:

22 (a) Showplace Square/Potrero Hill. The area generally bounded by 23rd street to the
23 south from Interstate 280 to Interstate 101, Interstate 101 north to 15th Street, 15th Street east
24 to 8th Street, 8th Street southeast to Irwin Street, Irwin Street northeast to 7th Street, 7th Street
25

southeast to Interstate 280, Interstate 280 south to 22nd Street, including the following

Assessor's Blocks:

Block 3821, Block 3833, Block 3834, Block 3935, Block 3936, Block 3937, Block 3938, Block 3939, Block 3958, Block 3957 Block 3956, Block 3955, Block 3954, Block 3953, Block 3952, Block 3951, Block 3950, Block 3949, Block 3948, Block 3977, Block 3978, Block 3979, Block 3980, Block 3981, Block 3983, Block 3984, Block 3985, Block 3986, Block 3987, Block 4011, Block 4010, Block 4009, Block 4008, Block 4007, Block 4006, Block 4005, Block 4004, Block 4003, Block 4002, Block 4001, Block 4000, Block 3999, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4038, Block 4039, Block 4040, Block 4076, Block 4075, Block 4074, Block 4073, Block 4072, Block 4071, Block 4070, Block 4069, Block 4068, Block 4067, Block 4066, Block 4065, Block 4064, Block 4063, Block 4091, Block 4093, Block 4094, Block 4095, Block 4096, Block 4097, Block 4098, Block 4099, Block 4100, Block 4101, Block 4102, Block 4103, Block 4104; and

(b) Central Waterfront. The area generally bounded by 23rd street to the south from Illinois Street to Tennessee Street, Tennessee Street north to Tubbs Street, Tubbs Street west to Indiana Street, Indiana Street north to 22nd Street, 22nd Street east to Minnesota Street, Minnesota Street north to Mariposa Street, Mariposa Street east to Illinois Street, Illinois Street south to 23rd Street, including the following Assessor's Blocks:

Block 3996, Block 3995, Block 3994, Block 4043, Block 4044, Block 4045, Block 4060, Block 4059, Block 4058, Block 4107, Block 4108, Block 4109, Block 4170, Block 4171, Block 4172, Block 4173; and, be it

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

1 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
2 Commission, as part of its decision on a conditional use application for any use subject to
3 these controls, shall consider the criteria in Section 303(i) governing formula retail use and the
4 following additional criteria:

5 (a) The shift of traffic patterns that may result from drawing traffic to the location of the
6 proposed use; and

7 (b) The market demand for the proposed formula retail use and the extent to which the
8 proposed use may result in the displacement or closure of similar retail sales and personal
9 services uses in the neighborhood; and, be it

10 FURTHER RESOLVED, That the criteria specified above shall be documented in a
11 report prepared by a professional expert who is independent of the project applicants;
12 provided, however, that the project applicant shall bear the cost of such report; and, be it

13 FURTHER RESOLVED, That any use subject to these controls shall be subject to the
14 neighborhood commercial notification procedures of Section 312 in addition to any other
15 notice requirements set forth in the Planning Code; and, be it

16 FURTHER RESOLVED, That these interim controls shall remain in effect for twelve
17 (12) months or until the adoption of permanent legislation regulating formula retail in the areas
18 identified above, whichever first occurs; and, be it

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

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2 APPROVED AS TO FORM:

3 DENNIS J. HERRERA, City Attorney
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5 By: _____
6 John D. Malamut
7 Deputy City Attorney
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