Resolution adopting more restrictive interim controls for a period of eighteen months that would require conditional use authorization for new residential developments over 20 units or for new commercial or retail developments over 50,000 square feet on both sides of the following rights of way along and near the Southern 19th Avenue Corridor: commencing at Lake Merced Boulevard where it begins at the County line, north along Lake Merced Boulevard to Sloat Boulevard, east along Sloat Boulevard to 19th Avenue, north along 19th Avenue to Taraval Street, east on Taraval Street to Claremont, south on Claremont to Portola, southwest on Portola to Junipero Serra Boulevard, and south on Junipero Serra Boulevard to the County line; adopting environmental findings and a determination of consistency with the priority policies of Planning Code Section 101.1.

WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning controls in order to control uses which, among other things, have an adverse impact upon the preservation of residential neighborhoods, have an adverse impact upon the preservation of neighborhoods and areas of mixed residential and commercial uses, and which generate an adverse impact on pedestrian and vehicular traffic; and

WHEREAS, There are several developments proposed along and near the Southern 19th Avenue Corridor in the City that are expected to increase population density and add more than 7,200 residential units to the area over a period of time. San Francisco State’s 2007-2020 Campus Master Plan calls for increasing its student body from 20,000 full-time students to 25,000 full-time students and creating 657 new housing units; a project at 77-111 Cambon Drive, abutting 19th Avenue just to the south of 19th Avenue and Crespi, will add 192 new condominium units and 14,000 square feet of new retail space; 800 Brotherhood Way
received environmental approval for a 187-unit project; Ardenwood at 19th Avenue and Wawona is proposing to add 154 new housing units; Parkmerced proposes to add over 5,000 new housing units in stages of 200 to 300 units a year over the next twenty years; and the San Francisco Unified School District has entered into a development agreement with a private developer for the old School of the Arts site for an undefined multi-unit residential project;

WHEREAS, According to the 2003 Stonestown Village Draft Environmental Impact Report, there are a number of "F" Level of Service intersections (19th Avenue and Sloat Boulevard, 19th Avenue and Winston Drive, 20th Avenue and Buckingham Way) and "D" Level of Service intersections (19th Avenue and Holloway, Junipero Serra Boulevard and Winston Drive, Buckingham Way and Winston Drive) along and near the Southern 19th Avenue Corridor; and

WHEREAS, Pedestrian safety and traffic congestion throughout the Southern 19th Avenue neighborhoods are a major concern of the residents in the area; and

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

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

WHEREAS, The Planning Department has determined that the actions contemplated in this Resolution are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
the Board of Supervisors in File No. 081004 and is incorporated herein by reference; now, therefore, be

RESOLVED, Pursuant to Planning Code Section 306.7, this Board of Supervisors hereby requires that a conditional use authorization under Section 303 of the Planning Code is needed for the establishment of a new residential development over 20 units or for a new commercial or retail development over 50,000 square feet on both sides of the following rights of way along and near the Southern 19th Avenue Corridor unless such use is already prohibited: Commencing at Lake Merced Boulevard where it begins at the County line, north along Lake Merced Boulevard to Sloat Boulevard, east along Sloat Boulevard to 19th Avenue, north along 19th Avenue to Taraval Street, east on Taraval Street to Claremont, south on Claremont to Portola, southwest on Portola to Junipero Serra Boulevard, and south on Junipero Serra Boulevard to the County line; and, be it

FURTHER RESOLVED, That in addition to the information that the Planning Code or Planning Commission requires to be submitted with an application for a conditional use, the Board of Supervisors further requires that any project subject to these interim controls shall submit parking and traffic studies for the area surrounding the proposed project, which shall be, at least, north to Taraval and west to the Great Highway and Skyline Boulevard; and, be it

FURTHER RESOLVED, That any project subject to these interim controls must abide by the conditional use permit notification requirements of the Planning Code; and, be it

FURTHER RESOLVED, That in addition to the criteria set forth in Planning Code Section 303(c) and (d), in acting upon a conditional use required by these interim controls, the Planning Commission and the Board of Supervisors on appeal shall consider: (1) the sufficiency of police, fire and emergency evacuation services for the area, (2) traffic impacts and public transit impacts of the proposed project, (3) impacts of the project upon the

Supervisor Elsbernd
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residents and other uses in the area, and (4) such other factors as the Commission or the Board determine are relevant to public safety and quality of life of neighborhood residents.

In approving a conditional use for a project subject to these interim controls, the Commission, and the Board of Supervisors on appeal, shall make specific findings that the proposed project will not decrease pedestrian safety and worsen traffic conditions such as to cause a significant impact at major intersections in the surrounding area in the absence of mitigation measures to lessen those traffic impacts or any other negative physical environmental impact or make specific findings that such mitigation is infeasible; and, be it

FURTHER RESOLVED, That these interim controls shall apply to any project that has not received its final building permit or site permit when these controls go into effect; and, be it

FURTHER RESOLVED, That these interim controls shall not require a new conditional use authorization for a project that received a conditional use authorization prior to the effective date of these interim controls but has not yet received its final building or site permit, except that a new conditional use shall be required in a case where that conditional use authorization has expired either pursuant to its terms or upon the expiration of three years from the date of final approval; and, be it

FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen (18) months unless extended by the Board, or until the adoption of permanent legislation for the area, whichever first occurs; and, be it

FURTHER RESOLVED, That these interim controls advance and are consistent with Priority Policy Numbers 2 and 4 of Planning Code Section 101.1. By requiring a public hearing and conditional use authorization for new large development projects, the controls will conserve and protect the quality of life for the residents of the existing neighborhoods.
surrounding the Southern 19th Avenue Corridor and also ensure that new development does not impede Muni transit service or overburden the area's streets and neighborhood parking.

The Board finds that these controls will have no effect upon Priority Policy Numbers 1, 3, 5, 6, 7, and 8 and thus will not conflict with those Policies.

APPROVED AS TO FORM:

Dennis J. Herrera, City Attorney

By:  

JUDITH A. BOYAJIAN
Deputy City Attorney
Resolution adopting more restrictive interim controls for a period of eighteen months that would require conditional use authorization for new residential developments over 20 units or for new commercial or retail developments over 50,000 square feet on both sides of the following rights of way along and near the Southern 19th Avenue Corridor: commencing at Lake Merced Boulevard where it begins at the County line, north along Lake Merced Boulevard to Sloat Boulevard, east along Sloat Boulevard to 19th Avenue, north along 19th Avenue to Taraval Street, east on Taraval Street to Claremont, south on Claremont to Portola, southwest on Portola to Junipero Serra Boulevard, and south on Junipero Serra Boulevard to the County line; adopting environmental findings and a determination of consistency with the priority policies of Planning Code Section 101.1.

July 22, 2008 Board of Supervisors — SUBSTITUTED
September 9, 2008 Board of Supervisors — SUBSTITUTED
October 28, 2008 Board of Supervisors — ADOPTED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Resolution was ADOPTED on October 28, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

11/4/2008

Mayor Gavin Newsom