[Interim Zoning Controls for the Bayshore Corridor]

Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve (1) establishment of a formula retail use, (2) new retail uses that are 25,000 gross square feet or larger, and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

WHEREAS, The Bayview Hunters Point Project Area Committee (Bayview PAC), an elected citizen advisory body to the San Francisco Redevelopment Agency, produced a Community Revitalization Concept Plan ("Concept Plan") that outlines the vision for redevelopment activities in the Bayview neighborhood. The Bayview PAC approved the Executive Summary of the Concept Plan in 2000; and

WHEREAS, The San Francisco Board of Supervisors adopted a Redevelopment Plan for the Bayview Hunters Point Project in 2006; and
WHEREAS, The Board of Supervisors adopted amendments to the Bayview Hunters Point Area Plan, which is part of the San Francisco's General Plan, in 2006; and

WHEREAS, The Concept Plan, Redevelopment Plan, and General Plan all discuss the need for enhanced business and employment opportunities throughout the Bayview neighborhood, and generally call for a mix of commercial and light industrial activities along the Bayshore Boulevard corridor, particularly the area from Jerrold Avenue to the I-280 freeway and adjacent streets, in the vicinity of the Bernal Heights district ("the Bayshore Corridor"); and

WHEREAS, The Board of Supervisors adopted new land use controls for much of the industrial areas in Bayview Hunters Point in 2008. The Planning Department did not, at that time, propose specific controls for the Bayshore Corridor, in recognition of the need for further planning in the area; and

WHEREAS, In May 2008, Supervisors Dufty, Maxwell, and Ammiano submitted a letter of inquiry to the Directors of Planning, Redevelopment Agency, Economic and Workforce Development, and the Small Business Commission regarding the creation of a Green and Sustainable Home Improvement District along Bayshore Corridor, and

WHEREAS, Much of the Bayshore Corridor remains zoned M-1 and M-2, the most permissive zoning districts in the City, leaving the area vulnerable to inadequately regulated development; and

WHEREAS, The Board of Supervisors adopted Resolution No. 154-09 on April 21, 2009, urging the Planning Department, the Redevelopment Agency and Office of Workforce Development to work with the Bayview Hunters Point and Bernal Heights communities to develop plans and programs to establish a Green and Sustainable Home Improvement District for the Bayshore Corridor, which could result, but need not be limited to, one or more
of the following: a business attraction plan, a business development and retention program,
revised zoning, area-specific design guidelines, and a localized public improvement plan
including streetscape and infrastructure enhancements; and

WHEREAS, City Planning Code Section 306.7 authorizes the Board of Supervisors to
impose interim zoning controls temporarily suspending the approval of permits and other land
use authorizations in conflict with a contemplated zoning proposal which the Board, the
Planning commission, or the Department of Planning are considering or intend to study within
a reasonable period of time; and

WHEREAS, The Board finds that these interim controls are necessary in order to
protect the Bayshore Corridor from development that may be inconsistent with the
community's overall desire to provide economic development without unduly impacting
adjacent neighborhoods, and, more specifically, with the vision set forth by the planning
process, until the joint planning effort as urged by the Board of Supervisors in Resolution No.
154-09 is complete; and

WHEREAS, The Board has considered the impact on the public health, safety, peace
and general welfare if the interim controls proposed here were not imposed; and

WHEREAS, The Board has determined that the public interest will be best served by
imposition of these interim controls at this time in order to ensure that the legislative scheme
which may be ultimately 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 Section 21000 et. seq.). Said determination is on file with the Clerk of

the Board of Supervisors in File No. 091209 and is incorporated herein by reference; now, 
therefore, be it

RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by 
this resolution, hereby prohibits any City agency, board, commission, officer or employee from 
approving any new site permit, building permit or any other permit or license authorizing (1) an 
establishment of a formula retail use, (2) new retail uses that are 25,000 gross square feet or 
larger, and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, 
unless the action would conform both to the existing provisions of the Planning Code and this 
resolution imposing interim controls; and, be it

FURTHER RESOLVED, That as of the effective date of this Resolution, all properties 
on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side 
of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis 
Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; 
and the west side of Boutwell Street from Industrial Street to the I-280 Freeway, must obtain a 
Conditional Use before (1) the establishment of a new formula retail use, as defined by 
Planning Code Section 703.3(b); (2) the establishment of a new retail use that is 25,000 gross 
square feet or larger; or (3) proceeding with a lot merger that results in lot that is greater than 
25,000; and be it

FURTHER RESOLVED, That these interim controls shall not apply to any projects on 
properties that have obtained a site permit at the effective date of this resolution; 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
FURTHER RESOLVED, That for purposes of these interim controls, the Planning Commission, as part of its decision on a Conditional Use application for any use subject to these controls, shall consider whether:

1. Any new, reconfigured, or reconstructed building is attractive, sensitive to surrounding buildings, and addresses the Bayshore Corridor as its main frontage;
2. Ingress and egress for parking and loading is well considered, takes into consideration a general desire to minimize frontage width dedicated to curb cuts and does not unduly conflict with transit, automobile, and bicycle traffic;
3. The proposed new use provides clear economic benefits to the City, particularly the Bernal Heights and Bayshore communities;
4. The proposed new development demonstrates leadership in sustainability either in terms of the proposed retail business itself, and/or the treatment of the site and building(s);
5. The degree to which the proposed new use provides for job creation and/or retention in the community; and, be it

FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen (18) months or until the adoption of permanent legislation implementing the Green and Sustainable Home Improvement District for the Bayshore Corridor, whichever is sooner; and, be it

FURTHER RESOLVED, That these interim zoning controls advance and are consistent with Priority Policies the Planning Code Section 101.1, because, by requiring Conditional Use authorization for certain retail projects, they will conserve and protect existing neighborhood character (Policy 1); assure that projects do not negatively impact Muni transit operations (Policy 4); maintain a diverse economic base by regulating against inappropriate development and other potentially harmful development patterns (Policy 5). With respect to the other
Priority Policies, such as affordable housing (Policy 3), earthquake preparedness (Policy 6), landmarks and historic buildings (Policy 7) and open space (Policy 8), the Board finds that these interim zoning controls do not, at this time, have an effect upon these policies, and thus, will not conflict with said policies.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: Andrea Ruiz-Rsquelle
Deputy City Attorney
Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve: (1) establishment of a formula retail use; (2) new retail uses that are 25,000 gross square feet or larger; and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code; and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

March 23, 2010 Board of Supervisors - ADOPTED
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

I hereby certify that the foregoing Resolution was ADOPTED on 3/23/2010 by the Board of Supervisors of the City and County of San Francisco.