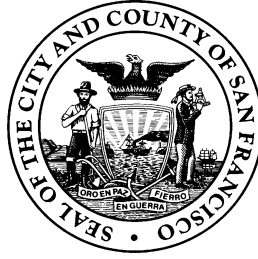


BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Vivian Day, Director
Department of Building Inspection

FROM: Alisa Somera, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: August 26, 2010

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to your department for informational purposes.

File No. 101106

Resolution imposing interim zoning controls to require Conditional Use authorization for "Other Entertainment Uses" within the Van Ness Avenue Special Use District; and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

If you wish to submit any comments or reports please return this memorandum with your response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

1 [Interim Zoning Controls for the Van Ness Avenue Special Use District]

2

3 **Resolution Imposing Interim Zoning Controls to Require Conditional Use Authorization**
4 **for "Other Entertainment Uses" Within the Van Ness Avenue Special Use District; and**
5 **Making Findings, Including Findings of Consistency with the Priority Policies of**
6 **Planning Code Section 101.1 and Environmental Findings.**

7

8 WHEREAS, The San Francisco Board of Supervisors adopted a Special Use District
9 for the Van Ness Avenue corridor in 1988 in order to implement the objectives and policies of
10 the Van Ness Avenue Plan, a part of the San Francisco General Plan; and

11 WHEREAS, this plan includes creation of a mix of residential and commercial uses on
12 the boulevard, preservation and enhancement of the pedestrian environmental,
13 encouragement of the retention and appropriate alteration of architecturally and historically
14 significant and contributory buildings, conservation of the existing housing stock, and
15 enhancement of the visual and urban design quality of the street; and

16 WHEREAS, Supervisor Alioto-Pier has introduced legislation requiring conditional use
17 authorization for all new "Other Entertainment Uses", as defined in Section 790.38 of the
18 Planning Code, which legislation will be forwarded to the Planning Commission for its
19 recommendation on such controls; and

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

25

1 WHEREAS, The Board finds that these interim controls are necessary in order to
2 protect the Van Ness Avenue Special Use District from development that may be inconsistent
3 with the community's overall desire to provide economic development without unduly
4 impacting the special mix of residential and commercial uses in this district; and

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

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

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

16 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by
17 this resolution, hereby prohibits any City agency, board, commission, officer or employee from
18 approving any new site permit, building permit or any other permit or license authorizing
19 establishment of an "Other Entertainment Use," as defined in Planning Code Section 790.38,
20 within the Van Ness Avenue Special Use District, established by Planning Code Section 243,
21 unless the action would conform both to the existing provisions of the Planning Code and this
22 Resolution imposing interim controls; and, be it

23 FURTHER RESOLVED, That as of the effective date of this Resolution, all properties
24 on lots within the Van Ness Avenue Special Use District must obtain a Conditional Use
25

1 authorization under Planning Code Section 303 before the establishment of a new "Other
2 Entertainment Use", as defined by Planning Code Section 790.38; and be it

3 FURTHER RESOLVED, That these interim controls shall not apply to any projects on
4 properties that have obtained a site permit at the effective date of this resolution; and be it

5 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
6 (18) months or until the adoption of permanent legislation, whichever is sooner; and, be it

7 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
8 with Priority Policies the Planning Code Section 101.1, because, by requiring Conditional Use
9 authorization for certain "Other Entertainment Uses", they will conserve and protect existing
10 neighborhood character (Policy 2); assure that projects do not negatively impact Muni transit
11 operations (Policy 4); and maintain a diverse economic base by regulating against
12 inappropriate development and other potentially harmful development patterns (Policy 5). With
13 respect to the other Priority Policies, such as existing neighborhood serving retail uses (Policy
14 1), affordable housing (Policy 3), earthquake preparedness (Policy 6), landmarks and historic
15 buildings (Policy 7), and open space (Policy 8), the Board finds that these interim zoning
16 controls do not, at this time, have an effect upon these policies, and thus, will not conflict with
17 said policies.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21
22 By: _____
23 Marlena G. Byrne
24 Deputy City Attorney
25