

1 [Interim Zoning Controls - Large Residential Projects in RH-1, RH-2, and RH-3 Zoning
2 Districts]

3 **Resolution extending, for an additional six-month period, interim zoning controls in the**
4 **RH-1, RH-2, and RH-3 zoning districts within a perimeter established by Market Street,**
5 **Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the**
6 **eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern**
7 **property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street,**
8 **requiring Conditional Use authorization for: any residential development on a vacant**
9 **parcel that will result in total residential square footage exceeding 3,000 gross square**
10 **feet; any new residential development on a developed parcel that will increase the**
11 **existing gross square footage in excess of 3,000 square feet and by more than 75%**
12 **without increasing the existing legal unit count, or more than 100% if increasing the**
13 **existing legal unit count; and for any residential development that results in greater**
14 **than 55% total lot coverage; and affirming the Planning Department's determination**
15 **under the California Environmental Quality Act.**

16
17 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning
18 controls that promote the public interest, including but not limited to development and
19 conservation of the City's commerce and industry to maintain the City's economic vitality and
20 maintain adequate services for its residents, visitors, businesses, and institutions; and
21 preservation of neighborhoods and areas of mixed residential and commercial uses and their
22 existing character; and

23 WHEREAS, Planning Code, Section 306.7(h) authorizes imposition of interim controls
24 for a period of 18 months, which may be extended by the body imposing the controls for an
25 additional six months; and

1 WHEREAS, On March 10, 2015, the Board of Supervisors adopted Resolution No. 76-
2 15, which was signed by the Mayor on March 19, 2015; and

3 WHEREAS, Resolution No. 76-15 imposed interim controls for an 18-month period that
4 required, for all parcels zoned RH-1, RH-2, or RH-3 within a perimeter established by Market
5 Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the
6 eastern property line of parcel 2620/063, the eastern property line of parcel 2619/001A, and
7 Douglass Street, (1) a Conditional Use authorization pursuant to Planning Code, Section 303
8 for any residential development that will result in total residential square footage exceeding
9 3,000 gross square feet on a parcel if the residential development will occur on a vacant
10 parcel; (2) a Conditional Use authorization pursuant to Planning Code, Section 303 for any
11 residential development that will increase the total existing gross square footage on a
12 developed parcel in excess of 3,000 square feet and by (a) more than 75% without increasing
13 the existing legal unit count or (b) more than 100% if increasing the existing legal unit count;
14 and (3) a Conditional Use authorization pursuant to Planning Code, Section 303 for any
15 residential development, either as an addition to an existing building or as a new building, that
16 results in greater than 55% lot coverage; and

17 WHEREAS, Resolution No. 76-15 provided that the Planning Commission shall only
18 grant a Conditional Use authorization allowing residential development to result in greater
19 than 55% lot coverage upon finding unique or exceptional lot constraints that would make
20 development on the lot infeasible without exceeding 55% total lot coverage, or, in the case of
21 the addition of a residential unit, that such addition would be infeasible without exceeding 55%
22 total lot coverage; and

23 WHEREAS, Resolution No. 76-15 provided that the Planning Commission, in
24 considering a Conditional Use authorization where an additional new residential unit is
25 proposed on a through lot on which there is already an existing building on the opposite street

1 frontage, shall only grant such authorization upon finding that it would be infeasible to add a
2 unit to the already developed street frontage of the lot; and

3 WHEREAS, It is necessary to extend the interim controls for an additional six-month
4 period to allow time for further study and possibly permanent legislation to be enacted; and

5 WHEREAS, The Planning Commission should consider whether the expansion of an
6 existing unit would significantly alter the unit's affordability when considering a Conditional
7 Use authorization; and

8 WHEREAS, The Planning Department has determined that the actions contemplated in
9 this Resolution are in compliance with the California Environmental Quality Act (California
10 Public Resources Code, Sections 21000 et seq.); and

11 WHEREAS, The Board of Supervisors hereby affirms that determination on file with the
12 Clerk of the Board of Supervisors in File No. 160989 and incorporated herein by reference;
13 now, therefore, be it

14 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board of Supervisors
15 hereby extends the interim controls imposed by Resolution No. 76-15 for an additional six-
16 month period that begins on September 20, 2016, or until permanent controls are enacted,
17 whichever shall first occur.

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

21 By: _____
22 ROBB KAPLA
23 Deputy City Attorney

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