

1 [Interim Zoning – Building Permits for Commercial Buildings Uses in an Area Bounded by
2 Market, Second, Brannan, Division, and South Van Ness Streets]

3
4 **Resolution imposing interim zoning controls to require that for a 12-month period in**
5 **the area bounded by Market Street from Van Ness Street east to 5th Street on the north**
6 **side and east to 2nd Street on the south side, 2nd Street south to Brannan Street,**
7 **Brannan Street west to Division Street, and South Van Ness Street north to Market**
8 **Street 1) certain building permits for any commercial buildings with some commercial**
9 **use shall require the posting of a notice and a 15-day delay in starting the work and 2)**
10 **the re-establishment of a commercial use that has been converted to residential use**
11 **shall require Planning Commission approval through either an authorization under**
12 **Planning Code Section 320 et seq. or a conditional use authorization; and making**
13 **environmental findings and a determination of consistency with the Priority Policies of**
14 **Planning Code Section 101.1.**

15
16 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning
17 controls to accomplish several objectives, including preservation of areas of mixed residential
18 and commercial uses and preservation of the City’s rental housing stock; and,

19 WHEREAS, Planning Code Section 320 provides that the creation of 25,000 square
20 feet or more of additional office space shall be subject to the office cap and other
21 requirements of Section 320 et seq. (“Proposition M”); and,

22 WHEREAS, Proposition M defines “preexisting office space” as “office space used
23 primarily and continuously for office use and not accessory to any use other than office use for
24
25

1 five years prior to Planning Commission approval of an office development project which
2 office use was fully legal under the terms of San Francisco law”; and,

3 WHEREAS, There is evidence that preexisting office space has been abandoned and
4 converted to residential use in multiple buildings in the area of San Francisco bounded by
5 Market Street from Van Ness Street east to 5th Street on the north side and to 2nd Street on
6 the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street,
7 and South Van Ness north to Market; and

8 WHEREAS, Under the Planning Code, reestablishment of an office use that has been
9 abandoned for five years is considered a new office use subject to Planning Commission
10 Proposition M authorization, payment of associated development impact fees, and other
11 applicable requirements of the Planning Code; and,

12 WHEREAS, This Board wants to control the removal of existing residential uses in
13 commercial spaces and re-establishment of office uses until such time as the Planning
14 Department can propose permanent legislation; and,

15 WHEREAS, This Board has considered the impact on the public health, safety, peace,
16 and general welfare if the proposed interim controls are not imposed; and,

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

21 WHEREAS, The Planning Department has determined that the actions contemplated in
22 this Resolution are in compliance with the California Environmental Quality Act (California
23 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
24 the Board of Supervisors in File No. 131068 and is incorporated herein by reference; now,
25 therefore, be it

1 RESOLVED, That pursuant to Planning Code Section 306.7, the Board of Supervisors
2 by this Resolution hereby requires that during the pendency of these interim controls certain
3 building permits for ~~commercial~~ any buildings with some commercial use in the area of San
4 Francisco bounded by Market Street from Van Ness Street east to 5th Street on the north side
5 and to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west
6 to Division Street, and South Van Ness Street north to Market Street shall require a notice to
7 be posted the day of permit issuance in a conspicuous location on the ground floor of the
8 building for the work specified below; and, be it

9 FURTHER RESOLVED, That if a posted notice is required it shall meet the
10 requirements of the Planning and Building Departments and at a minimum shall state in plain
11 language and in multiple languages the following information: “The building permit described
12 below has been issued by the City and County of San Francisco. It is the City’s understanding
13 that no one lives in this building. If you or someone you know lives in this building and may be
14 displaced by this work, please call the following number prior to the expected construction
15 start date on _____;” and, be it

16 FURTHER RESOLVED, That if a posted notice is required, work under the issued
17 permit may not start until the expiration of 15 days from permit issuance and posting of the
18 notice; and, be it

19 FURTHER RESOLVED, That the building permits that are subject to the posted notice
20 and 15-day hold requirements are for: Structural or architectural work above the ground floor
21 in the interior of a any commercial building with some commercial use that obtained its first
22 certificate of occupancy ~~was built~~ prior to 1979, is valued at \$15,000 or more, and requires the
23 submittal of floor plans; and, be it

1 FURTHER RESOLVED, That the following building permits are exempt from the
2 posted notice and 15-day hold requirements: Permits to address a life/safety issue, and
3 permits for weather protection, accessibility upgrades, and dry rot repair; and, be it

4 FURTHER RESOLVED, That during the pendency of these interim controls, the re-
5 establishment of any commercial use that has been converted to residential use shall require
6 Planning Commission approval through either a Proposition M authorization, if triggered by
7 Planning Code Section 322, or a conditional use; and, be it

8 FURTHER RESOLVED, That these interim controls shall remain in effect for twelve
9 (12) months unless further extended or until the adoption of permanent legislation, whichever
10 shall first occur; and, be it

11 FURTHER RESOLVED, That these interim controls are not in conflict with and hence
12 are consistent with the Priority Policies of Planning Code Section 101.1.

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 JUDITH A. BOYAJIAN
17 Deputy City Attorney

18 n:\legana\as2013\1400202\00888536.doc