

1 [Interim Zoning Controls - Building Permits for Commercial Uses in an Area Bounded by
2 Market, 2nd, Brannan, and Division Streets, and South Van Ness Avenue]

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

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

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

21 WHEREAS, for the purpose of office development authorizations "preexisting office
22 space" is defined as "office space used primarily and continuously for office use and not
23 accessory to any use other than office use for five years prior to Planning Commission
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1 approval of an office development project which office use was fully legal under the terms of
2 San Francisco law”; and

3 WHEREAS, There is evidence that preexisting office space has been converted
4 without benefit of a permit to residential use in multiple buildings in the area of San Francisco
5 bounded by Market Street from Van Ness Avenue east to 5th Street on the north side and to
6 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to
7 Division Street, and South Van Ness north to Market; and

8 WHEREAS, The Board of Supervisors wants to control the removal of any existing
9 residential uses in commercial spaces and review the status of the original legal uses until
10 such time as the Planning Department can propose permanent legislation; and

11 WHEREAS, This Resolution imposes a new 12-month period for these amended
12 interim controls, which were enacted by Resolution No. 428-13 and expired on December 13,
13 2014; and

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

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

20 WHEREAS, The Planning Department has determined that the actions contemplated in
21 this Resolution are in compliance with the California Environmental Quality Act (California
22 Public Resources Code, Sections 21000, et seq.); said determination is on file with the Clerk
23 of the Board of Supervisors in File No. 150087 and is incorporated herein by reference; now,
24 therefore, be it

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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 any buildings with some commercial use in the area of San Francisco
4 bounded by Market Street from Van Ness Avenue east to 5th Street on the north side and to
5 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to
6 Division Street, and South Van Ness Avenue 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. If you or someone you know
13 lives in this building and may be displaced by this work, please call the following number prior
14 to the expected construction start date on _____;” and, be it

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

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

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

1 FURTHER RESOLVED, That during the pendency of these interim controls in the
2 geographic area covered by these controls, any commercial use that has been converted in
3 whole or in part to residential use without benefit of a permit shall be deemed abandoned. A
4 permit to re-establish any commercial use shall not be issued or reinstated, or, if already
5 issued, shall not remain effective, unless the project sponsor obtains a Conditional Use
6 authorization under Planning Code Section 303, in addition to all requirements of the Planning
7 Code applicable to the establishment of any such 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 eight priority policies of Planning Code, Section 101.1.

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

16 By: SUSAN CLEVELAND-KNOWLES
17 Deputy City Attorney

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