

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

3 **Resolution imposing interim zoning controls for an 18-month period for parcels 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; requiring Conditional Use authorization for any new residential development on a**
11 **developed parcel that will increase the existing gross square footage in excess of 3,000**
12 **square feet and by more than 75% without increasing the existing legal unit count, or**
13 **more than 100% if increasing the existing legal unit count; requiring Conditional Use**
14 **authorization for residential development that results in greater than 55% total lot**
15 **coverage; and making environmental findings, including findings of consistency with**
16 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

24 WHEREAS, The area within a perimeter established by Market Street, Clayton Street,
25 Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of

1 Assessor's Parcel Block No. 2620, Lot No. 063, the eastern property line of Assessor's Parcel
2 Block No. 2619, Lot No. 001A, and Douglass Street is composed primarily of residential
3 buildings, many of which are small in scale and located on large lots and on through lots; and

4 WHEREAS, Existing zoning controls generally allow residential development much
5 larger in scale than the existing residential fabric within the boundaries established by this
6 Resolution; and

7 WHEREAS, The Planning Code encourages development that preserves existing
8 neighborhood character yet recent residential development proposals within the boundaries
9 established by this Resolution have been significantly larger and bulkier than existing
10 residential buildings; and

11 WHEREAS, The interim controls established by this Resolution will allow time for the
12 orderly completion of a planning study and for the adoption of appropriate legislation; and

13 WHEREAS, This Board of Supervisors ("Board") has considered the impact on the
14 public health, safety, peace, and general welfare if these interim controls are not imposed;
15 and

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

20 WHEREAS, The Board makes the following findings of consistency with the Priority
21 Policies set forth in Planning Code Section 101.1: By requiring Conditional Use authorization
22 for residential development exceeding 3,000 gross square feet where the development
23 increases existing development by more than 75% without adding one or more units or more
24 than 100% if adding one or more units and for extensions of buildings beyond 55% total lot
25 coverage, these interim controls advance Priority Policy 2, that existing housing and

1 neighborhood character be conserved and protected to preserve the cultural and economic
2 diversity of our neighborhoods; and these interim controls do not conflict with the other Priority
3 Policies of Section 101.1; and

4 WHEREAS, The Planning Department has determined that the actions contemplated in
5 this Resolution are in compliance with the California Environmental Quality Act (California
6 Public Resources Code, Sections 21000 et seq.); said determination is on file with the Clerk of
7 the Board of Supervisors in File No. _____ and is incorporated herein by reference; the
8 Board hereby affirms this determination; now, therefore, be it

9 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board hereby
10 requires that for all parcels zoned RH-1, RH-2, or RH-3 within a perimeter established by
11 Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum
12 Way, the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern
13 property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street, (1) a
14 Conditional Use authorization pursuant to Planning Code, Section 303 is required for any
15 residential development that will result in total residential square footage exceeding 3,000
16 gross square feet on a parcel if the residential development will occur on a vacant parcel; (2)
17 a Conditional Use authorization pursuant to Planning Code, Section 303 is required for any
18 residential development that will increase the existing gross square footage on a developed
19 parcel in excess of 3,000 square feet and by (a) more than 75% without increasing the
20 existing legal unit count or (b) more than 100% if increasing the existing legal unit count; and
21 (3) a Conditional Use authorization pursuant to Planning Code, Section 303 is required for any
22 residential development that results in greater than 55% lot coverage; and, be it

23 FURTHER RESOLVED, That the Planning Commission shall only grant a Conditional
24 Use authorization allowing residential development to result in greater than 55% lot coverage

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1 upon finding unique or exceptional lot constraints would make development on the lot
2 infeasible without exceeding 55% total lot coverage; and, be it

3 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning
4 Department shall conduct a study of the contemplated zoning proposal and propose
5 permanent legislation to address the issues posed by large residential development projects
6 within an existing fabric of smaller homes; and, be it

7 FURTHER RESOLVED, That these interim controls shall apply to all applications for
8 residential development in the area covered by the controls where a final building permit has
9 not been issued as of the effective date of this Resolution; and, be it

10 FURTHER RESOLVED, That for projects currently scheduled for a hearing at the
11 Planning Commission under a Discretionary Review as of the effective date of this Resolution,
12 the Planning Department is requested to expedite the processing and calendaring of any
13 required Conditional Use authorization under these controls; and, be it

14 FURTHER RESOLVED, That these interim controls shall remain in effect for a period
15 of eighteen (18) months unless extended in accordance with Planning Code, Section 306.7(h)
16 or until permanent controls are adopted; and, be it

17 FURTHER RESOLVED, That the Planning Department shall provide reports to the
18 Board pursuant to Planning Code Section 306.7(i).

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

22 By: _____
23 ROBB KAPLA
24 Deputy City Attorney

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