

BOARD of SUPERVISORS



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November 20, 2013

File No. 131068-3

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On November 19, 2013, Supervisor Kim introduced the following **substitute** legislation:

File No. 131068-3

Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: 1) certain building permits for commercial buildings shall require the posting of a notice and a 15-day delay in starting the work; and 2) the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code, Section 320, et seq. or a conditional use authorization; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

A Categorical Exemption stamp was submitted for the previous version on November 1, 2013. If you wish to submit an additional determination for this revised legislation, please forward it to me.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Not a project per CEQA
Guidelines Sections 15060
and 15378.*

*Nannie Turrell
November 21, 2013*

1 [Interim Zoning Controls - Building Permits for Commercial Buildings 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 commercial buildings shall require the posting of**
9 **a notice and a 15-day delay in starting the work; and 2) the re-establishment of a**
10 **commercial use that has been converted to residential use shall require Planning**
11 **Commission approval through either an authorization under Planning Code, Section**
12 **320, et seq. or a conditional use authorization; and making environmental findings, and**
13 **findings of consistency with the General Plan, and the eight 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. _____ 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 buildings in the area of San Francisco bounded by Market
4 Street from Van Ness Street east to 5th Street on the north side and to 2nd Street on the
5 south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and
6 South Van Ness Street north to Market Street shall require a notice to be posted the day of
7 permit issuance in a conspicuous location on the ground floor of the building for the work
8 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 commercial building that was built prior to 1979, is valued at \$15,000 or
22 more, and requires the submittal of floor 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, the
2 reestablishment of any commercial use that has been converted to residential use shall
3 require Planning Commission approval through either a Proposition M authorization or a
4 conditional use; and, be it

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

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

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 JUDITH A. BOYAJIAN
14 Deputy City Attorney

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