

1 [Interim Zoning Controls - Moderate Scale Neighborhood Commercial Transit (NCT-3) District
2 - Parcels along Market Street West of Octavia Boulevard]

3 **Resolution imposing interim zoning controls for an 18-month period requiring**
4 **Conditional Use authorization for Limited Financial Service and Business or**
5 **Professional Service uses in the Moderate Scale Neighborhood Commercial Transit**
6 **(NCT-3) District for parcels along Market Street, west of Octavia Boulevard; and making**
7 **environmental findings, and findings of consistency with the General Plan, and with the**
8 **eight priority policies of Planning Code, Section 101.1.**

9
10 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning
11 controls that promote the public interest, including but not limited to development and
12 conservation of the City's commerce and industry to maintain the City's economic vitality and
13 maintain adequate services for its residents, visitors, businesses and institutions; and
14 preservation of neighborhoods and areas of mixed residential and commercial uses and their
15 existing character; and

16 WHEREAS, Maximizing active ground floor building street frontages and dynamic,
17 pedestrian-friendly neighborhood commercial corridors is a recognized public purpose and
18 promotes the public interest of the City and County of San Francisco; and

19 WHEREAS, The ground floor retail spaces along Market Street west of Octavia
20 Boulevard in the Moderate Scale Neighborhood Commercial Transit (NCT-3) District already
21 contain an over-concentration of financial and business services; and

22 WHEREAS, The area where the interim controls are imposed is currently regulated by
23 Planning Code, Section 731.1 and the Zoning Control Table in Section 731. Section 731.50 of
24 the Zoning Control allows Limited Financial Services, as defined by Planning Code, Section
25 790.112, on any floor as a principally permitted use and Section 731.53 allows Business or

1 Professional Service, as defined by Planning Code, Section 790.108, as a principally
2 permitted use on any floor; and

3 WHEREAS, These interim controls will allow time for the orderly completion of a
4 planning study and for the adoption of appropriate legislation; and

5 WHEREAS, This Board of Supervisors (“Board”) has considered the impact on the
6 public health, safety, peace and general welfare if the interim controls proposed herein are not
7 imposed; and

8 WHEREAS, The Board has determined that the public interest will best be served by
9 imposition of these interim controls in order to ensure that the legislative scheme which may
10 be ultimately adopted is not undermined during the planning and legislative process for
11 permanent controls; and

12 WHEREAS, The Board makes the following findings of consistency with the Priority
13 Policies set forth in Planning Code, Section 101.1: By requiring Conditional Use authorization
14 for Limited Financial Service and Business or Professional Service uses, these interim
15 controls advance Priority Policy 1 that existing neighborhood-serving retail uses be preserved
16 and enhanced and Priority Policy 2 that existing housing and neighborhood character be
17 conserved and protected in order to preserve the cultural and economic diversity of our
18 neighborhoods; these interim controls do not conflict with the other Priority Policies of Section
19 101.1; 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. 150037 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 hereby
2 requires that a Conditional Use authorization pursuant to Planning Code, Section 303 is
3 required to establish a Limited Financial Service, as defined by Planning Code, Section
4 790.112, or Business or Professional Service, as defined by Planning Code, Section 790.108,
5 for all parcels along Market Street west of Octavia Boulevard and located within the Moderate
6 Scale Neighborhood Commercial Transit (NCT-3) District; and, be it

7 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning
8 Department shall conduct a study of the contemplated zoning proposal and propose
9 permanent legislation to address the issues posed by a concentration of financial and
10 business services along Market Street west of Octavia Boulevard and in the Moderate Scale
11 Neighborhood Commercial Transit (NCT-3) District; and, be it

12 FURTHER RESOLVED, That these interim controls shall apply to all applications that
13 seek to establish a Limited Financial Service or a Business or Professional Service use in the
14 area covered by the controls that are filed on or after January 13, 2015; and,

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

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

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

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney

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