

1 [Interim Zoning Controls - New Ground Floor Office Uses Facing 2nd Street, from King and
2 Folsom Streets]

3 **Resolution imposing interim zoning controls requiring conditional use authorization for**
4 **new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months;**
5 **and making environmental findings, including findings of consistency with the eight**
6 **priority policies of Planning Code, Section 101.1.**

7
8 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim
9 zoning controls to accomplish several objectives, including preservation of residential and
10 mixed residential and commercial areas in order to preserve the existing character of such
11 neighborhoods and areas, and development and conservation of the commerce and industry
12 of the City in order to maintain the economic vitality of the City, to provide its citizens with
13 adequate jobs and business opportunities, and to maintain adequate services for its residents,
14 visitors, businesses and institutions; and

15 WHEREAS, San Francisco needs to promote its vibrant small neighborhood-serving
16 retail sector and create a supportive environment for small neighborhood businesses and
17 retail. One of the eight Priority Policies of the City's General Plan resolves that "existing
18 neighborhood-serving retail uses be preserved and enhanced and future opportunities for
19 resident employment in and ownership of such businesses enhanced"; and

20 WHEREAS, Neighborhood-serving commercial uses are the land uses most critical to
21 the success of the City's commercial districts, and ground floor neighborhood-serving retail is
22 critical to maintain vibrant mixed used districts; and

23 WHEREAS, In 2011, the Planning Department began the process to develop an
24 integrated community vision for the southern portion of the Central Subway rail corridor,
25 located generally from 2nd to 6th Streets, and between Townsend and Market Streets (the

1 “Central SoMa Plan”.) The Central SoMa Plan proposes to build off the neighborhood's
2 success, while addressing many of its challenges, with a comprehensive strategy that will
3 address such issues as land use, building size and heights, transportation, the public realm,
4 preservation of historic buildings and environmental sustainability; and

5 WHEREAS, In recent years, there has been high development demand within the
6 Central SoMa Plan area, and in the South of Market area more generally. This demand is
7 mostly for residential and office uses; and

8 WHEREAS, As part of the Central SoMa Plan, the Planning Department and the
9 community will consider how can the City best accommodate this growing development
10 demand while preserving and enhancing the neighborhood qualities and character that make
11 the area the dynamic place that it is today; and

12 WHEREAS, As part of that effort, the Department will consider how to preserve and
13 enhance ground-floor neighborhood-serving retail; and

14 WHEREAS, These interim controls are intended and designed to address the pressure
15 to develop new, non-neighborhood-serving office uses in a particular subsection of the Central
16 SoMa Plan area and the area immediately adjacent to it: the area close to South Park, on 2nd
17 Street, between King and Folsom Streets, by requiring conditional use authorization for such
18 establishments uses during the next eighteen months; and

19 WHEREAS, This Board has considered the impact on the public health, safety, peace,
20 and general welfare if the interim controls proposed herein were not imposed; and

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

25

1 WHEREAS, The Planning Department has determined that the actions contemplated in
2 this Resolution are in compliance with the California Environmental Quality Act (California
3 Public Resources Code Section 21000 et. seq.). Said determination is on file with the Clerk of
4 the Board of Supervisors in File No. _____ and is incorporated here by reference; now,
5 therefore, be it

6 RESOLVED, Pursuant to Planning Code, Section 306.7, the Board of Supervisors, by
7 this resolution, hereby prohibits any City agency, board, commission, officer or employee from
8 approving any site permit, building permit or any other permit or license authorizing the
9 establishment of any new office uses, as defined herein, on the ground floor on properties
10 facing 2nd Street, between King and Folsom Streets, unless the action would conform both to
11 the existing provisions of the Planning Code and this resolution; and, be it

12 FURTHER RESOLVED, That for the purpose of these interim controls “office uses”
13 shall be defined in Planning Code, Section 890.70 , but shall not include Neighborhood-
14 Serving Businesses as defined in Planning Code, Section 890.68; and, be it

15 FURTHER RESOLVED, That as of the effective date of this Resolution, the
16 establishment of new office uses on the ground floor facing 2nd Street, between King and
17 Folsom Streets, shall be subject to a conditional use authorization; and, be it

18 FURTHER RESOLVED, That these interim zoning controls shall apply to properties
19 facing 2nd Street, between King and Folsom Streets, or more specifically, to the following
20 blocks and lots: Block 3774, lots 045, 067, 123, 031, 044, and 191; block 3788, lots 006, 037,
21 043, 049, 038, 002, 044; block 3775, lots 008, 181, 002, 005, 001, 004; block 3764, lots 068,
22 067, 014, 071; block 3794, lots 015, 002, 002B, 291; block 3749, lot 062; block 3763, lots 006,
23 007, 113, 001, 112; block 3789, lots 858, 007, 008; block 3750, lots 003, 073, 087; and block
24 3793, lot 005; and, be it

1 FURTHER RESOLVED, That any office use on the ground floor lawfully existing prior
2 to the effective date of this interim controls is exempt from these interim controls, unless it
3 ceases to operate or discontinues operation for 90 days or longer, in which event the use shall
4 be deemed abandoned; and, be it

5 FURTHER RESOLVED, These controls shall not apply to buildings with more than
6 1,500 square footage of ground floor retail, as long as a minimum of 1,500 square footage of
7 retail is preserved; and, be it

8 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
9 Commission shall consider, in addition to the criteria listed in Planning Code, Section 303, the
10 effect of the proposed new offices on the ground floor. In so doing, the Commission shall take
11 into consideration the effect of the proposed office on existing neighborhood-serving retail
12 uses, as directed by Planning Code, Section 101.1; and, be it

13 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
14 months from the effective date of this legislation, or until the adoption of permanent legislation
15 regarding the Central SoMa Plan, whichever first occurs; and, be it

16 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
17 with the eight priority policies of Planning Code, Section 101.1, particularly Policies 1 and 2,
18 in that they attempt to preserve and enhance the character and vitality of one of the City's
19 neighborhoods. With respect to Priority Policies 3, 4, 5, 6, 7, and 8, the Board finds that these
20 interim zoning controls do not have an effect and will not conflict with said policies.

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

23 By: _____
24 ANDREA RUIZ-ESQUIDE
25 Deputy City Attorney

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