

1 [Interim Zoning Controls - Residential Uses in Commercial Buildings in an Area Bounded by  
2 Market, Second, Brannan, Division, and South Van Ness Streets]

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4 **Resolution imposing interim zoning controls to prohibit, for a 12-month period, the**  
5 **issuance of building permits for certain commercial uses in the area bounded by**  
6 **Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan**  
7 **Street, Brannan Street west to Division Street, and South Van Ness Street north to**  
8 **Market Street and to require the Planning and Building Departments to complete a**  
9 **study of the conversion of commercial spaces to residential uses in this area; and**  
10 **making environmental findings, and findings of consistency with the General Plan, and**  
11 **the eight priority policies of Planning Code, Section 101.1.**

12  
13 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning  
14 controls to accomplish several objectives, including preservation of areas of mixed residential  
15 and commercial uses and preservation of the City’s rental housing stock; and,

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

19 WHEREAS, Proposition M defines “preexisting office space” as “office space used  
20 primarily and continuously for office use and not accessory to any use other than office use for  
21 five years prior to Planning Commission approval of an office development project which  
22 office use was fully legal under the terms of San Francisco law”; and,

23 WHEREAS, There is evidence that preexisting office space has been abandoned and  
24 converted to residential use in multiple buildings in the area of San Francisco bounded by  
25

1 Market Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street,  
2 Brannan Street west to Division Street, and South Van Ness north to Market; and

3 WHEREAS, Under the Planning Code, reestablishment of an office use that has been  
4 abandoned for five years is considered a new office use subject to Planning Commission  
5 Proposition M authorization, payment of associated development impact fees, and other  
6 applicable requirements of the Planning Code; and,

7 WHEREAS, Since San Francisco has long had a housing shortage, the housing market  
8 continues to be tight and housing costs are beyond the reach of many households, this Board  
9 wants to preserve existing residential uses in commercial spaces until such time as the  
10 Planning and Building Department can conduct a study of the number of buildings that have  
11 been converted without benefit of permit and the Planning Department can propose  
12 permanent legislation; and,

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

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

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

24 RESOLVED, That pursuant to Planning Code Section 306.7, the Board of Supervisors  
25 by this Resolution hereby requires that during the pendency of these interim controls, a

1 building permit for a commercial building in the area of San Francisco bounded by Market  
2 Street from Van Ness Street east to 2nd Street, 2nd Street south to Brannan Street, Brannan  
3 Street west to Division Street, and South Van Ness Street north to Market Street shall not be  
4 issued pending the Planning Department's determination that the commercial space has not  
5 been converted to any residential use; and, be it

6 FURTHER RESOLVED, That during the pendency of these interim controls, the  
7 reestablishment of any commercial use that has been converted to residential use shall  
8 require Planning Commission approval through either a Proposition M authorization or a  
9 conditional use; and, be it

10 FURTHER RESOLVED, That a permit to address a life/safety issue in the subject  
11 building shall not be subject to these interim controls; and, be it

12 FURTHER RESOLVED, That within 60 days of the adoption of this Resolution, the  
13 Planning Department and the Department of Building Inspection shall conduct a study of the  
14 number of buildings that have converted space from commercial to residential in the area  
15 subject to these interim controls and submit a joint report to the Board of Supervisors,  
16 Planning Commission, and Building Inspection Commission; and, be it

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

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

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

24 By: \_\_\_\_\_  
25 JUDITH A. BOYAJIAN  
Deputy City Attorney