

1 [Interim Zoning Controls in the Planning Code - Upper Market Street Neighborhood  
2 Commercial Transit District]

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4 **Resolution imposing interim zoning controls for an 18-month period requiring**  
5 **Conditional Use authorization for Limited Financial Service and Business or**  
6 **Professional Service uses in the Upper Market Neighborhood Commercial Transit**  
7 **District; making environmental findings and findings of consistency with the General**  
8 **Plan and with the priority policies of Planning Code, Section 101.1.**

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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 in the Upper Market Street Neighborhood  
20 Commercial Transit District (NCT) already contain an over-concentration of financial and  
21 business services; and

22 WHEREAS, The area where the interim controls are imposed is currently regulated by  
23 Planning Code Section 733.1 and the Zoning Control Table in Section 733. Section 733.50 of  
24 the Zoning Control allows Limited Financial Services, as defined by Planning Code Section  
25 790.112, only on the ground floor as a principally permitted use and Section 733.53 allows

1 Business or Professional Service, as defined by Planning Code Section 790.108, as a  
2 principally permitted use on the ground floor and second story and as a conditional use on the  
3 third story and above; and

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

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

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

13 WHEREAS, The Board makes the following findings of consistency with the Priority  
14 Policies set forth in Planning Code Section 101.1: By requiring Conditional Use authorization  
15 for Limited Financial Service and Business or Professional Service uses, these interim  
16 controls advance Priority Policy 1 that existing neighborhood-serving retail uses be preserved  
17 and enhanced and Priority Policy 2 that existing housing and neighborhood character be  
18 conserved and protected in order to preserve the cultural and economic diversity of our  
19 neighborhoods; these interim controls do not conflict with the other Priority Policies of Section  
20 101.1; 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. 130677 and is incorporated herein by  
25 reference; now, therefore, be it

1 RESOLVED, That pursuant to Planning Code Section 306.7, the Board hereby requires  
2 that a Conditional Use authorization pursuant to Planning Code Section 303 is required to  
3 establish a Limited Financial Service, as defined by Planning Code Section 790.112, or  
4 Business or Professional Service, as defined by Planning Code Section 790.108, for all  
5 parcels located with the Upper Market Street NCT; and, be it

6 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning  
7 Department shall conduct a study of the contemplated zoning proposal and propose  
8 permanent legislation to address the issues posed by a concentration of financial and  
9 business services in the Upper Market Street NCT; and, be it

10 FURTHER RESOLVED, That these interim controls shall apply to all applications that  
11 seek to establish a Limited Financial Service or a Business or Professional Service use in the  
12 area covered by the controls that are filed on or after June 25, 2013; and, be it

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

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

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

21 By: \_\_\_\_\_  
22 JUDITH A. BOYAJIAN  
23 Deputy City Attorney  
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