

1 [Interim Zoning Controls - Large Residential Projects in RH-1, RH-2, and RH-3 Zoning  
2 Districts]

3 **Resolution imposing interim zoning controls for an 18-month period for parcels**  
4 **in the RH-1, RH-2, and RH-3 zoning districts within a perimeter established by Market**  
5 **Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way,**  
6 **the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern**  
7 **property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street,**  
8 **requiring Conditional Use authorization for any residential development on a vacant**  
9 **parcel that will result in total residential square footage exceeding 3,000 gross square**  
10 **feet; requiring Conditional Use authorization for any new residential development on a**  
11 **developed parcel that will increase the existing gross square footage in excess of 3,000**  
12 **square feet and by more than 75% without increasing the existing legal unit count, or**  
13 **more than 100% if increasing the existing legal unit count; requiring Conditional Use**  
14 **authorization for residential development that results in greater than 55% total lot**  
15 **coverage; and making environmental findings, including findings of consistency with**  
16 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

23 WHEREAS, The area within a perimeter established by Market Street, Clayton Street,  
24 Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of  
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1 parcel 2620/063, the eastern property line of parcel 2619/001A, and Douglass Street is  
2 composed primarily of residential buildings, many of which are small in scale and located on  
3 large lots and on through lots; and

4 WHEREAS, Existing zoning controls generally allow residential development much  
5 larger in scale than the existing residential fabric within the boundaries established by this  
6 Resolution; and

7 WHEREAS, The Planning Code encourages development that preserves existing  
8 neighborhood character yet recent residential development proposals within the boundaries  
9 established by this Resolution have been significantly larger and bulkier than existing  
10 residential buildings; and

11 WHEREAS, The interim controls established by this Resolution will allow time for the  
12 orderly completion of a planning study and for the adoption of appropriate legislation; and

13 WHEREAS, This Board of Supervisors (“Board”) has considered the impact on the  
14 public health, safety, peace, and general welfare if these interim controls are not imposed;  
15 and

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

20 WHEREAS, The Board makes the following findings of consistency with the Priority  
21 Policies set forth in Planning Code Section 101.1: By requiring Conditional Use authorization  
22 for (1) any residential development that will result in total residential square footage exceeding  
23 3,000 gross square feet on a parcel if the residential development will occur on a vacant  
24 parcel; (2) any residential development that will increase the total existing gross square  
25 footage on a developed parcel in excess of 3,000 square feet and by (a) more than 75%

1 without increasing the existing legal unit count or (b) more than 100% if increasing the existing  
2 legal unit count; and (3) any residential development, either as an addition to an existing  
3 building or as a new building, that results in greater than 55% lot coverage, these interim  
4 controls advance Priority Policy 2, that existing housing and neighborhood character be  
5 conserved and protected to preserve the cultural and economic diversity of our  
6 neighborhoods; and these interim controls do not conflict with the other Priority Policies of  
7 Section 101.1; and

8 WHEREAS, The Planning Department has determined that the actions contemplated in  
9 this Resolution are in compliance with the California Environmental Quality Act (California  
10 Public Resources Code, Sections 21000 et seq.). Said determination is on file with the Clerk  
11 of the Board of Supervisors in File No.150192 and is incorporated herein by reference. The  
12 Board hereby affirms this determination; now, therefore, be it

13 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board hereby  
14 requires that for all parcels zoned RH-1, RH-2, or RH-3 within a perimeter established by  
15 Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum  
16 Way, the eastern property line of parcel 2620/063, the eastern property line of parcel  
17 2619/001A, and Douglass Street, (1) a Conditional Use authorization pursuant to Planning  
18 Code Section 303 is required for any residential development that will result in total residential  
19 square footage exceeding 3,000 gross square feet on a parcel if the residential development  
20 will occur on a vacant parcel; (2) a Conditional Use authorization pursuant to Planning Code  
21 Section 303 is required for any residential development that will increase the total existing  
22 gross square footage on a developed parcel in excess of 3,000 square feet and by (a) more  
23 than 75% without increasing the existing legal unit count or (b) more than 100% if increasing  
24 the existing legal unit count; and (3) a Conditional Use authorization pursuant to Planning  
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1 Code Section 303 is required for any residential development, either as an addition to an  
2 existing building or as a new building, that results in greater than 55% lot coverage; and, be it

3 FURTHER RESOLVED, That the Planning Commission shall only grant a Conditional  
4 Use authorization allowing residential development to result in greater than 55% lot coverage  
5 upon finding unique or exceptional lot constraints that would make development on the lot  
6 infeasible without exceeding 55% total lot coverage, or, in the case of the addition of a  
7 residential unit, that such addition would be infeasible without exceeding 55% total lot  
8 coverage; and, be it

9 FURTHER RESOLVED, That the Planning Commission, in considering a Conditional  
10 Use authorization in a situation where an additional new residential unit is proposed on a  
11 through lot on which there is already an existing building on the opposite street frontage, shall  
12 only grant such authorization upon finding that it would be infeasible to add a unit to the  
13 already developed street frontage of the lot; and, be it

14 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning  
15 Department shall conduct a study of the contemplated zoning proposal and propose  
16 permanent legislation to address the issues posed by large residential development projects  
17 within an existing fabric of smaller homes; and, be it

18 FURTHER RESOLVED, That these interim controls shall apply to all applications for  
19 residential development in the area covered by the controls where a final site or building  
20 permit has not been issued as of the effective date of this Resolution; and, be it

21 FURTHER RESOLVED, That for projects currently scheduled for a hearing at the  
22 Planning Commission under a Discretionary Review as of the effective date of this Resolution,  
23 the Planning Department is requested to expedite the processing and calendaring of any  
24 required Conditional Use authorization under these controls; and, be it

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

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

6  
7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By: \_\_\_\_\_  
10       ROBB KAPLA  
11       Deputy City Attorney

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