

1 [Interim Zoning Controls - Signs in Transit Center District Plan Area and between Folsom,
2 Harrison, Essex and Second Streets]

3 **Resolution imposing interim zoning controls in the Transit Center District Plan Area**
4 **(“Plan Area”), which is bounded by Market Street on the north, Folsom Street on the**
5 **South, Steuart Street on the east and between New Montgomery and Third Streets on**
6 **the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but**
7 **excluding the planned City Park between Mission, Howard, Second and Beale Streets**
8 **and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment**
9 **Plan, which include portions of land bounded by Spear, Mission, Folsom and Second**
10 **Streets, to restrict the size and height of new signs within 200 feet of and visible from**
11 **an existing or planned public park or open space, and to restrict illumination of certain**
12 **new signs in those areas; and making environmental findings, including findings of**
13 **consistency with the eight priority policies of Planning Code Section 101.1.**

14
15 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning
16 controls to accomplish several objectives, including preservation of residential and mixed
17 residential and commercial areas in order to preserve the existing character of such
18 neighborhoods and areas and control of uses that have an adverse impact on open space
19 and other recreational areas and facilities; and

20 WHEREAS, A new 5.4-acre park called the City Park (formerly known as the Rooftop
21 Park) is planned to be located atop the Transbay Transit Center, which will be located
22 between Mission and Howard Streets on the north and south, and between Second to Beale
23 Streets on the west and east; and

24 WHEREAS, The City Park will include an outdoor amphitheater, gardens, trails, open
25 grass areas, a children’s play space, a restaurant and a café, will be accessible from ten entry

1 points, including bridges from neighboring buildings and a gondola from a planned ground-
2 level floor of the Transbay Transit Center off Mission Street between the planned Salesforce
3 Tower and Fremont Street to be known as Mission Square, and will provide needed open
4 space in an area of the City with few parks; and

5 WHEREAS, The City Park is located in the Transit Center District Plan Area (“Plan
6 Area”), which is bounded by Market Street on the north, Folsom Street on the South, Steuart
7 Street on the east and between New Montgomery and Third Streets on the west; and

8 WHEREAS, The Transbay Joint Powers Authority has agreed to consult with
9 community stakeholders, including but not limited to the Greater Rincon Hill Community
10 Benefit District Steering Committee and the Transbay Joint Powers Citizens Advisory
11 Committee, in developing sign controls that apply to the City Park consistent with these
12 interim controls; and

13 WHEREAS, Other public parks and open spaces may be created in the Plan Area; and

14 WHEREAS, the Under Ramp Park is a new 4.2-acre neighborhood park planned to be
15 situated primarily under the elevated bus ramp that will provide a direct connection from the
16 new Transbay Transit Center to the Bay Bridge, of which approximately 25% will be open to
17 the sky, and which will include a children’s play area, cafes and terraces, a beer garden, and
18 a multilevel pavilion with cultural and retail programs; and

19 WHEREAS, The area between Folsom, Harrison, Essex and Second Streets is
20 adjacent to the planned site of the Under Ramp Park and to the Plan Area; and

21 WHEREAS, Illuminated signs and other signs visible from a public park or privately
22 owned public open space (POPOS) may negatively impact the aesthetics of the park or
23 POPOS and the enjoyment of its users, including but not limited to interference with the
24 natural scenery and landscape afforded by the park or POPOS, as well as the creation of
25 potential unwanted illumination and glare; and

1 WHEREAS, Evening and nighttime illumination of signs in the Plan Area disturbs the
2 sleep of residents in the area and disrupts their general enjoyment of their homes; and

3 WHEREAS, Policy 2 of the eight priority policies of the City’s General Plan and of
4 Planning Code Section 101.1 establishes a policy “That existing housing and neighborhood
5 character be conserved and protected in order to preserve the cultural and economic diversity
6 of our neighborhoods”; and

7 WHEREAS, Policy 8 of the eight priority policies of the City’s General Plan and of
8 Planning Code Section 101.1 establishes a policy “That our parks and open space and their
9 access to sunlight and vistas be protected from development”; and

10 WHEREAS, These interim zoning controls advance and are consistent with Policies 2
11 and 8 of the Priority Policies set forth in Planning Code Section 101.1, in that they address the
12 impacts of a proposed sign on neighborhood character and existing and planned parks and
13 POPOS; and

14 WHEREAS, With respect to Priority Policies 1, 3, 4, 5, 6, and 7, the Board finds that
15 these interim zoning controls do not, at this time, have an effect upon these policies, and thus,
16 will not conflict with said policies; and

17 WHEREAS, These interim controls are intended and designed to address and
18 ameliorate the problems and conditions associated with the size, height and illumination of
19 signs in close proximity to existing and planned public parks and POPOS, and the illumination
20 of signs that adversely impact residential properties; and

21 WHEREAS, Adoption of these interim controls will allow the Board of Supervisors an
22 opportunity to consider the imposition of permanent sign controls in the Transit Center District
23 Plan Area and in the area bounded by Folsom, Harrison, Essex and Second Streets; and

24 WHEREAS, The Board has considered the impact on the public health, safety, peace,
25 and general welfare if these interim controls are not imposed; and

1 WHEREAS, The Board has determined that the public interest will be best served by
2 imposition of these interim controls at this time, to ensure that the legislative scheme that may
3 be ultimately adopted is not undermined during the planning and legislative process for
4 permanent controls; and

5 WHEREAS, The Planning Department has determined that the actions contemplated in
6 this Resolution are in compliance with the California Environmental Quality Act (California
7 Public Resources Code Section 21000 *et. seq.*). Said determination is on file with the Clerk of
8 the Board of Supervisors in File No. 150737 and is hereby affirmed and incorporated by
9 reference as though fully set forth herein; now, therefore, be it

10 RESOLVED, That, pursuant to Section 306.7 and Article 6 of the Planning Code, the
11 City hereby requires that, as of the effective date of this Resolution, the following signage
12 controls shall apply in the Plan Area and in the area bounded by Folsom, Harrison, Essex and
13 Second Streets, except for within the City Park and those portions of the Plan Area that
14 overlap with the area defined as Zone 1 of the Transbay Redevelopment Plan, which portions
15 consist of certain land within the boundaries of Spear, Mission, Folsom and Second Streets:

16 (a) illumination for any new sign that is located in the area subject to these interim
17 controls, where any part of the face of the sign is over 35 feet in height, as defined in Section
18 602.8 of the Planning Code, shall meet the following requirements:

19 (1) the sign's illumination shall be dimmable; and

20 (2) all illumination shall be turned off from 11:00 p.m. each evening until 6:00
21 a.m. the following morning; and

22 (b) except as specified in section (c) below, a new sign that is within 200 feet of an
23 existing or planned public park or within 200 feet of a POPOS of 1/4 acre or greater, and that
24 is visible from such a park or POPOS shall be permitted if it is 50 square feet or less and its
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1 highest point reaches a height of 35 feet or less, as defined in Section 602.8 of the Planning
2 Code; and

3 (c) a new business sign that is within 200 feet of the City Park and that is visible from
4 the City Park shall be permitted if it meets the following requirements:

5 (1) if the new business sign is located on the façade of a building directly
6 abutting or with a pedestrian connection to the City Park,

7 (A) the sign shall consist of only metal lettering raised off the façade of
8 the building to which it is attached, with a maximum vertical dimension of 30
9 inches and a total maximum area of 50 square feet;

10 (B) the highest point of the sign shall reach a height of 15 feet or less
11 from the nearest finished ground plane of the City Park; and

12 (C) the sign’s illumination shall consist only of indirect illumination,
13 pursuant to Planning Code Section 602.11, including but not limited to halo-style lighting.

14 (2) if the new business sign is not located on the façade of a building directly
15 abutting or with a pedestrian connection to the City Park, the sign shall comply with Section
16 607 of the Planning Code; and be it

17 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
18 months from the effective date of this Resolution, or until the adoption of permanent legislation
19 regulating signage in the Plan Area and in the area bounded by Folsom, Harrison, Essex and
20 Second Streets, whichever first occurs.

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

23 By: _____
24 VICTORIA WONG
25 Deputy City Attorney

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