

File No. 140951

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 29, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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OTHER

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Completed by: Andrea Ausberry

Date September 25, 2014

Completed by: _____

Date _____

[Zoning - Interim Moratorium on Production, Distribution, and Repair Conversion in the Proposed Central South of Market Plan Area]

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) **General Findings.**

(1) The proposed Central South of Market Plan Area is bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west.

(2) The Planning Department and the public are currently engaged in a planning process to develop a comprehensive set of zoning and design controls for this area. As part of that effort, the Planning Department, in April 2013 released a draft report for public review of the Central Corridor Plan, now known as the Central South of Market (SoMa) Plan. Copies of this Plan are available at the Planning Department at 1650 Mission Street and on the

1 Planning Department's website. This Plan looks at existing and proposed programs for land
2 use, urban form, streetscape and circulation, open space, historic resources and social
3 heritage, sustainability, and public improvements.

4 (3) During the planning for this effort, which has been coupled with the current
5 economic boom cycle, the Central SoMa Plan Area has witnessed significant changes in
6 types and scale of development zoning uses. As a result, development pressure to modify
7 and change existing uses is outpacing the City's ability to establish zoning controls that
8 appropriately respond to and balance these changes.

9 (4) One type of zoning use in the Central SoMa Plan Area and elsewhere in San
10 Francisco that has been particularly susceptible to displacement and outright loss by recent
11 economic trends is PDR (production, distribution, and repair services) use.

12 (5) As a result of changes to existing PDR uses in the proposed Central SoMa Plan
13 Area, this Board intends to place a temporary moratorium on changes to and replacement of
14 PDR uses in this area, subject to specified exemptions, in order to provide time for the City to
15 determine if permanent zoning changes could be formulated that minimize the disruption
16 associated with such changes of use.

17 (6) These interim controls are intended to provide stability to the neighborhood during
18 the time that the draft Central SoMa Plan is under development and public review. The Board
19 urges the San Francisco Planning Department to balance the need for retaining PDR with the
20 desire to have more affordable housing, a vibrant small business community, and high density
21 housing and office space in the future Central SoMa Plan Area.

22 **(b) Findings related to imposition of an interim moratorium.**

23 (1) Planning Code Section 306.7 provides for the imposition of interim zoning controls
24 to accomplish several objectives, including preservation of historic and architecturally
25 significant buildings and areas; preservation of residential neighborhoods; preservation of

1 neighborhoods and areas of mixed residential and commercial uses in order to preserve the
2 existing character of such neighborhoods and areas; and development and conservation of
3 the City's commerce and industry to maintain the City's economic vitality, provide its citizens
4 with adequate jobs and business opportunities, and maintain adequate services for its
5 residents, visitors, businesses, and institutions.

6 (2) These controls are intended and designed to deal with and ameliorate the
7 problems and conditions associated with changes to and replacement of PDR uses while the
8 proposed Central SoMa Plan is pending so that the City can continue to preserve
9 neighborhoods and areas of mixed residential and commercial uses in order to maintain the
10 existing character of such neighborhoods and areas and develop and conserve the City's
11 commerce for the reasons specified above in Subsection (1). In addition, until permanent
12 controls are adopted, these controls will support of the primary objectives of the Central SoMa
13 Plan including: (A) support transit-oriented growth, particularly workplace growth, (B) shape
14 the area's urban form recognizing both City and neighborhood contexts, and (C) maintain the
15 area's vibrant economic and physical diversity.

16 (3) This Board has considered the impact on the public health, safety, peace, and
17 general welfare if the interim controls proposed herein were not imposed.

18 (4) This Board has determined that the public interest will be best served by imposition
19 of these interim controls at this time in order to ensure that the legislative scheme that may be
20 ultimately adopted is not undermined during the planning and legislative process for
21 permanent controls, which process shall be conducted within a reasonable time.

22 (c) Planning Code Section 101.1 Findings.

23 This interim zoning moratorium advances and is consistent with: Priority Policy 1 in that
24 the controls will preserve and enhance existing neighborhood-serving retail uses and enhance
25 future opportunities for resident employment in and ownership of such businesses; Priority

1 Policy 2 to conserve and protect existing housing and neighborhood character in order to
2 preserve the cultural and economic diversity of this neighborhood; Priority Policy 4 so that
3 commuter traffic does not impede Muni transit service or overburden our streets or
4 neighborhood parking; and Priority Policy 5 in order to maintain a diverse economic base by
5 protecting our industrial and service sectors from displacement due to commercial office
6 development, and potential enhance future opportunities for resident employment and
7 ownership in these sectors. With respect to Priority Policies 3, 6, 7, and 8, the Board finds
8 that the interim zoning moratorium does not, at this time, have an effect upon these policies,
9 and thus, will not conflict with said policies.

10 (d) Environmental Findings.

11 The Planning Department has determined that the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code sections 21000 et seq.). The Board of Supervisors hereby affirms this
14 determination. A copy of said determination is on file with the Clerk of the Board of
15 Supervisors in File No. 140951 and incorporated herein by reference.

16
17 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
18 Ordinance:

19 (a) Neither the Planning Department nor the Planning Commission shall issue an
20 approval or authorization for any change to or replacement of PDR use by a non-PDR use in
21 the proposed Central SoMa Plan Area. This area is bounded by Market Street on the north,
22 Townsend Street on the south, 2nd Street on the east, and 6th Street on the west. For
23 purposes of these controls, PDR, change of use, and replacement of use are all defined in
24 Planning Code Section 401.

25 (b) The following districts, uses, and projects are exempt from these controls:

- 1 (1) The C-3 zoned districts;
- 2 (2) Proposed projects that are comprised of 100% affordable housing as defined in
- 3 Planning Code Sections 415.1 et seq.;
- 4 (3) Properties containing any of the following PDR uses: gas stations, parking lots, or
- 5 self-storage;
- 6 (4) Projects subject to a development agreement under Administrative Code Chapter
- 7 56 and California Government Code Sections 65864 et seq.; and
- 8 (5) Projects that have submitted an environmental evaluation case to the Planning
- 9 Department on or before September 1, 2014.
- 10 (c) No project located in the SLI (Service/Light Industrial) District, as defined in
- 11 Planning Code Section 817, is eligible for any of the exemptions to the moratorium as set forth
- 12 in Subsection (b).
- 13 (d) This interim zoning moratorium shall remain in effect for 45 days unless extended
- 14 in accordance with California Government Code Section 65858 or permanent controls are
- 15 adopted to address conversion of PDR uses, whichever first occurs.
- 16 (e) If application of this ordinance would have the effect of denying approvals needed
- 17 for development of a project specified in California Government Code Section 65858(c) and
- 18 (h), this moratorium shall not apply to that use.
- 19

20 Section 3. Within 25 days of the Board's adoption of this ordinance, the Planning

21 Department shall submit to the Clerk of the Board a written report describing the measures

22 taken to alleviate the conditions that led to the adoption of the ordinance. Upon receipt of the

23 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.

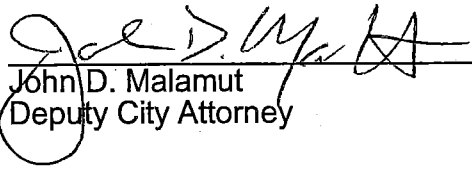
24 Said hearing and the action taken thereon shall be no later than 35 days after this ordinance

25 is effective.

1 Section 4. Effective Date. This urgency ordinance shall become effective immediately
2 after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns
3 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the
4 Board of Supervisors overrides the Mayor's veto of the ordinance by a 4/5ths vote.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By:

9 
John D. Malamut
Deputy City Attorney

10 n:\legana\as2014\1500109\00955172.doc

LEGISLATIVE DIGEST

[Zoning - Interim Moratorium on Production, Distribution, and Repair Conversion in the Proposed Central South of Market Plan Area]

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 306.7 establishes procedures for adopting interim zoning controls. If the interim zoning control is a moratorium, the legislation also must comply with California Government Code Sections 65858 et seq., which establishes requirements related to the initial adoption of the moratorium and any extensions thereof. An interim moratorium takes the form of an urgency ordinance, has only one reading of the Board of Supervisors, requires a 4/5ths vote of the Board of Supervisors for approval, and is effective under the same terms as a Board of Supervisors resolution. Planning Code Section 401 defines Production, Distribution, and Repair (PDR) uses and change of use and replacement of use in the context of PDR.

Amendments to Current Law

The interim zoning moratorium urgency ordinance would prevent the Planning Department and the Planning Commission from issuing an approval or authorization to change or replace PDR use by a non-PDR use in the proposed Central South of Market Plan Area. This area is bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west. The legislation would exempt the following areas and projects from the controls: (1) the C-3 zoned districts; (2) proposed projects that are comprised of 100% affordable housing as defined in Planning Code Sections 415.1 et seq.; (3) properties containing any of the following PDR uses: gas stations, parking lots, or self-storage; (4) projects subject to a development agreement under Administrative Code Chapter 56 and California Government Code Sections 65864 et seq.; and (5) projects that have submitted an environmental evaluation case to the Planning Department on or before September 1, 2014. The ordinance also adopts various required findings, including the eight priority policies of Planning Code Section 101.1, and affirms the Planning Department's determination under the California Environmental Quality Act. The legislation requires the Planning Department to prepare a report on measures that could address the zoning

FILE NO. 140951

concerns identified in the ordinance and the Clerk to schedule a hearing on the Department's report.

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 16, 2014

File No. 140951

John Rahaim
Director
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Director Rahaim:

On September 9, 2014, Supervisor Kim introduced the following proposed Interim Zoning Moratoria ordinance:

File No. 140951

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Andrea Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Scott Sanchez, Zoning Administrator
Sarah Jones, Environmental Review Officer
Aaron Starr, Legislative Affairs Manager
AnMarie Rodgers, Senior Policy Advisor
Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning
John Malamut, Deputy City Attorney

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2014.09.17 15:05:56 -07'00'

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Olson Lee, Acting Director, Mayor's Office of Housing

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee, Board of Supervisors

DATE: September 16, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Kim on September 9, 2014:

File No. 140951

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Eugene Flannery, Mayor's Office of Housing

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: September 16, 2014

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 140951

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Small Business Commission

Member, Board of Supervisors
District 8




Ing: WB, Leg Dep
LV Comm. Clerk
City and County of San Francisco

SCOTT WIENER

威善高

DATE: September 17th, 2014

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Scott Wiener 
Chairperson, Land Use and Economic Development Committee

RE: Land Use and Economic Development Committee
COMMITTEE REPORT

RECEIVED
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2014 SEP 17 PM 12:18

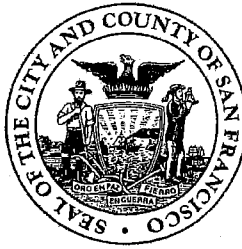
Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, September 30th, 2014, as a Committee Report:

**140951 Zoning – Interim Moratorium on Production, Distribution, and Repair
Conversion in the Proposed Central South of Market Plan Area**

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This matter will be heard in the Land Use and Economic Development Committee on Monday, September 29th, 2014, at 1:30 p.m.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, September 29, 2014

Time: 1:30 p.m.

Location: Legislative Chamber Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 140951. Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 26, 2014.

A handwritten signature in dark ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED/POSTED: September 17, 2014
PUBLISHED: September 19, 2014

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Andrea A
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description LU 140951 Zoning Interim Moratorium

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

09/19/2014

CNS 2669052

NOTICE OF PUBLIC HEARING LAND
USE AND ECONOMIC DEVELOP-
MENT COMMITTEE SAN FRANCISCO
BOARD OF SUPERVISORS SEPTEMBER
29, 2014 - 1:30 PM LEGISLATIVE
CHAMBER, RM 250, CITY HALL 1 DR.
CARLTON B. GOODLETT PLACE, SF,
CA

NOTICE IS HEREBY GIVEN THAT the
Land Use and Economic Development
Committee will hold a public hearing to
consider the following proposal and said
public hearing will be held as follows, at
which time all interested parties may at-
tend and be heard. File No. 140951. Ur-
gency Ordinance approving an interim
zoning moratorium to prohibit the con-
version or replacement of Production,
Distribution, and Repair uses in the pro-
posed Central South of Market Plan
Area bounded by Market Street on the
north, Townsend Street on the south,
2nd Street on the east, and 6th Street
on the west, for 45 days, affirming the
Planning Department's determination
under the California Environmental
Quality Act, and making findings of con-
sistency with the eight priority policies of
Planning Code, Section 101.1. In ac-
cordance with Administrative Code, Section
67.7-1, persons who are unable to at-
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submit written comments to the City
prior to the time the hearing begins.
These comments will be made as part of
the official public record in this matter,
and shall be brought to the attention of
the members of the Committee. Written
comments should be addressed to An-
gela Calvillo, Clerk of the Board, Room
244, City Hall, 1 Dr. Carlton Goodlett
Place, San Francisco, CA 94102. Infor-
mation relating to this matter is available
in the Office of the Clerk of the Board.
Agenda information relating to this mat-
ter will be available for public review on
Friday, September 26, 2014.

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* A 0 0 0 0 0 3 5 4 5 4 6 9 *

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor [] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

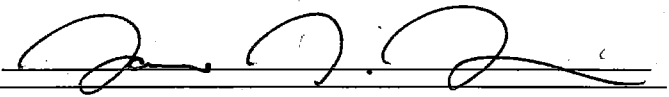
Supervisors Kim, Avalos, Campos, Chiu and Mar

Subject:

Zoning - Interim Moratorium on PDR Conversion in the Proposed Central South of Market Plan Area

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

140951