

1 [Zoning - Interim Moratorium Extension on Change of Institutional Use in a Portion of the
University Mound Neighborhood]

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3 **Urgency Ordinance approving an extension of the interim zoning moratorium on**
4 **changes of institutional use in a portion of the University Mound neighborhood**
5 **bounded by Highway 280 on the north, Wayland Street on the south, University Street**
6 **on the east, and Cambridge Street on the west, for 10 months and 15 days, affirming**
7 **the Planning Department's determination under the California Environmental Quality**
8 **Act, and making findings of consistency with the eight priority policies of Planning**
9 **Code, Section 101.1.**

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

14

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

16

17 Section 1. Findings.

17

18 (a) **General Findings.**

18

19 (1) The University Mound neighborhood, primarily zoned RH-1 (Residential
20 Housing, One-Family), is in the Portola District and adjacent to the northern border of John
21 McLaren Park and the University Mound Reservoir.

22 (2) The neighborhood is somewhat isolated by Highway 280 to the north,
23 Highway 101 to the east, and John McLaren Park to the south. The area is predominantly
24 characterized by older single family residences. The neighborhood generally is comprised of
25 working and middle class families with a strong sense of community and deep roots in this

1 well established and stable neighborhood. Some refer to the neighborhood as the “Garden
2 District” because of the many greenhouses that historically were abundant in the area.

3 (3) The neighborhood contains various institutional uses, including a
4 concentration of private and public schools that offer elementary, middle, and high school
5 education.

6 (4) The University Mound neighborhood also includes another institutional use,
7 the University Mound Ladies Home (UMLH). In 1884, James Lick established the UMLH with
8 an endowment of \$100,000 to construct a facility in San Francisco for "the aged and needy
9 ladies who are unable to support themselves and who have no resources of their own." This
10 has been translated into UMLH’s mission to provide a facility for individuals of modest means.
11 UMLH also has strong ties to the community with substantial interactions between the
12 residents and local neighbors. However, in recent years, the UMLH experienced a financial
13 crisis and is no longer able to operate the facility. Consequently, the UMLH residents have
14 been forced to relocate elsewhere.

15 (5) Given the stability of the neighborhood and the concentration of schools and
16 other institutional uses, changes to the neighborhood’s character and the balance of uses in
17 the neighborhood can be very disruptive. On July 10, 2014, the Neighborhood Services and
18 Safety Committee of the Board of Supervisors held a public hearing and received testimony
19 and other information indicating that the UMLH property may be the subject of change of use
20 application in the immediate future. As a result of this and other possible changes to
21 institutional property in the University Mound area, this Board, in Ordinance No. _____
22 adopted a 45-day moratorium on changes to institutional uses in a portion of this
23 neighborhood to provide time for the City to determine if permanent zoning changes could be
24 formulated that minimize the disruption associated with such changes of use. A copy of the
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1 ordinance is on file with the Clerk of the Board of Supervisors in File No. _____ and
2 is available on the Board's website.

3 (6) On _____, 2014, the Board of Supervisors adopted Motion No.
4 _____, to approve a report that the Planning Department prepared on possible methods
5 to address the zoning concerns identified in Ordinance No. _____. A copy of the
6 Motion is on file with the Clerk of the Board of Supervisors in File No. _____ and is
7 and is available on the Board's website, and is incorporated herein by reference.

8 (7) The conditions that led the Board of Supervisors to adopt Ordinance No.
9 _____ continue to exist. Consequently, this Board has determined that the
10 moratorium should be extended to provide adequate time for the Planning Department and
11 other City officials to address these conditions through permanent zoning controls.

12 (b) **Findings Related to Imposition of an Interim Moratorium.**

13 (1) Planning Code Section 306.7 provides for the imposition of interim zoning
14 controls to accomplish several objectives, including preservation of historic and architecturally
15 significant buildings and areas; preservation of residential neighborhoods; preservation of
16 neighborhoods and areas of mixed residential and commercial uses to preserve the existing
17 character of such neighborhoods and areas; and development and conservation of the City's
18 commerce and industry to maintain the City's economic vitality, provide its citizens with
19 adequate jobs and business opportunities, and maintain adequate services for its residents,
20 visitors, businesses and institutions.

21 (2) The controls imposed by this ordinance are intended and designed to deal
22 with and ameliorate the problems and conditions associated with changes to the balance of
23 residential and institutional uses and types of institutional uses in a portion of the RH-1 zoned
24 University Mound neighborhood and to preserve residential neighborhood character by
25 extending a temporary moratorium on changes to institutional uses.

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

3 (4) This Board has determined that the public interest will be best served by
4 extending these interim controls at this time to ensure that the legislative scheme that may be
5 ultimately adopted is not undermined during the planning and legislative process for
6 permanent controls, which process shall be conducted within a reasonable time.

7 (c) **Planning Code Section 101.1 Findings.**

8 This interim zoning moratorium advances and is consistent with Priority Policy 2 of
9 Planning Code Section 101.1 in that it attempts to conserve and protect existing housing and
10 neighborhood character by preserving the cultural and economic diversity of our
11 neighborhoods with an appropriate balance of institutional uses. With respect to Priority
12 Policies 1, 3, 4, 5, 6, 7, and 8, the Board finds that the interim zoning moratorium will not, at
13 this time, have an effect upon these policies, and thus, will not conflict with said policies.

14 (d) **Environmental Findings.**

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

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21 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
22 Ordinance:

23 (a) Neither the Planning Department nor the Planning Commission shall issue an
24 approval or authorization for any change to an institutional use in the University Mound
25 neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University

1 Street on the east, and Cambridge Street on the west. These controls shall apply to changes
2 in use from an existing institutional use, as defined in Planning Code Section 209.3, to
3 another institutional use or from an institutional use to any other permissible use in the RH-1
4 Zoning District.

5 (b) This interim zoning moratorium shall remain in effect for 10 months and 15 days
6 from the termination date of Ordinance No. _____ unless further extended in
7 accordance with California Government Code section 65858 or from the date that permanent
8 controls are adopted and in effect to address changes in use that better conserve
9 neighborhood character in the identified area, whichever first occurs.

10 (c) If application of this ordinance would have the effect of denying approvals needed
11 for the development of a project with a significant component of multifamily housing, as such
12 terms are defined in California Government Code Section 65858, this moratorium shall not
13 apply to that use.

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15 Section 3. No later than 10 months after the Board's adoption of this ordinance, the
16 Planning Department shall submit to the Clerk of the Board a written report describing the
17 measures taken to alleviate the conditions that led to the adoption of this ordinance. Upon
18 receipt of the report, the Clerk shall calendar a motion for the full Board to consider and
19 approve said report. Said hearing and the action taken thereon shall be at least 10 days prior
20 to the expiration of this ordinance.

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

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

By: _____
John D. Malamut
Deputy City Attorney

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