

1 [Interim Zoning Requiring Conditional Use on Single Room Occupancy developments in the  
2 Western South of Market Special Use District]

3 **Resolution imposing interim zoning controls establishing a requirement for conditional**  
4 **use authorization for Single Room Occupancy (SRO) developments in the Western**  
5 **South of Market (SoMa) Special Use District (SUD) for an eighteen (18) month period**  
6 **and making required findings, including environmental findings, and a determination of**  
7 **consistency with the priority policies of Planning Code Section 101.1.**

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

17 WHEREAS, Single Room Occupancy (SRO) developments in the City generally, and in  
18 the Western SoMa Special Use District (SUD) specifically, have traditionally been designed to  
19 meet the needs of the City's very low- and low-income residents; and,

20 WHEREAS, The majority of the new SRO projects built have been market rate and  
21 have not furthered the intended purpose of increasing affordable housing in the neighborhood;  
22 and,

23 WHEREAS, SRO units are not an appropriate use in some areas of the Western  
24 District due to the lack of necessary existing residential-serving retail providers and  
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1 residential-serving uses including, but not limited to, grocery shopping and dedicated open  
2 space; and,

3 WHEREAS, These controls are intended and designed to deal with and ameliorate the  
4 problems and conditions associated with the development of SROs in the Western SoMa  
5 SUD during the next eighteen (18) months; and,

6 WHEREAS, This Board has considered the impact on the public health, safety, peace,  
7 and general welfare, including, but not limited to the impacts on the existing character of  
8 neighborhoods, access to affordable housing, and development and conservation of the  
9 commerce and industry of the City in order to maintain adequate services for its residents,  
10 visitors, businesses and institutions; and,

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

15 WHEREAS, The Planning Department has determined that the actions contemplated in  
16 this Resolution are in compliance with the California Environmental Quality Act (California  
17 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
18 the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference; and,

19 WHEREAS, The Board of Supervisors finds that these interim controls advance and  
20 are consistent with Priority Policies 2, 3, and 5 of Planning Code section 101.1 in that they  
21 attempt to preserve the cultural and economic diversity of the Western SoMa Neighborhood,  
22 enhance the supply of affordable housing, and maintain a diverse economic base by  
23 protecting the industrial and service sectors in the Western SoMa Neighborhood. With respect  
24 to Priority Policies 1, 4, 6, 7, and 8, the Board finds that the interim zoning moratorium does  
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1 not, at this time, have an effect upon these policies, and thus, will not conflict with said  
2 policies; now, therefore, be it

3 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by  
4 this Resolution, hereby requires conditional use authorization for new SRO developments in  
5 the Western SoMa SUD in any zoning area where the use is currently principally permitted;  
6 and, be it

7 FURTHER RESOLVED, That for purposes of these interim controls an SRO shall be  
8 as set forth in Planning Code section 890.88(c); and, be it

9 FURTHER RESOLVED, That for purposes of this Resolution, the Western SoMa  
10 Neighborhood shall be as set forth in the Western SoMa Planning Area Special Use District,  
11 as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map; and, be it

12 FURTHER RESOLVED, That for purposes of these interim controls “conditional use”  
13 shall have the meaning given to such terms in Planning Code Section 303; and, be it

14 FURTHER RESOLVED, That for purposes of these interim controls, the Planning  
15 Commission, as part of its decision on a conditional use application for any use subject to  
16 these controls, shall consider the criteria for a conditional use articulated in Planning Code  
17 Section 303, and, in addition, shall make the following findings: (1) that the proposed SRO  
18 project is specifically meeting definitively underserved segments of the local housing market  
19 demand; and (2) that the proposed SRO project is within convenient walking distance of  
20 necessary and existing residential serving uses, including, but not limited to, grocery shopping  
21 and dedicated open space; and, be it

22 FURTHER RESOLVED, That the Planning Commission may consider the following in  
23 determining to issue a conditional use authorization: (1) there are no allowable variances  
24 from the Planning Code SRO requirements except for a parking variance; (2) the proposed  
25 project contains no new ground floor SRO units on public frontages except for those with

1    stoops on Western SoMa side streets (i.e., alleys); and (3) if the proposed SRO development  
2    is on a major Western SoMa street, it contains active non-residential uses on the ground floor;  
3    and (4) the proposed SRO development is subject to the most current requirements of the  
4    Residential Inclusionary Affordable Housing Program, Planning Code Sections 315 and  
5    following, and, be it

6            FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen  
7    (18) months or until the adoption of permanent legislation establishing a requirement for  
8    conditional use authorization for SRO developments in the Western SoMa SUD, whichever  
9    first occurs.

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

By: \_\_\_\_\_  
Susan Cleveland-Knowles  
Deputy City Attorney