

LEGISLATIVE DIGEST
(Amended in Committee 7/14/16)

[Initiative Ordinance - Planning Code - Conditional Use Requiring Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses]

Motion ordering submitted to the voters, at an election to be held November 8, 2016, “Ordinance amending the Planning Code to require replacement space and Conditional Use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use”; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

The Planning Code contains various provisions for conversion of Production, Distribution and Repair (PDR) uses, depending on where such uses are located. There is no general requirement for conditional use authorization for conversion of an Institutional Community use or an Arts Activities use.

Amendments to Current Law

If this motion is approved, this measure would be placed on the November 2016 general election ballot as an initiative ordinance.

The measure would require conditional use authorization for any conversion of a PDR use of at least 5,000 square feet, an Institutional Community use of at least 2,500 square feet, or an Arts Activities use of any size within the following Eastern Neighborhoods Plans Areas: Mission; Eastern SoMa, and Western SoMa. Such spaces would be replaced in compliance with the following criteria:

(1) In the areas that, as of July 1, 2016, are zoned SALI, PDR, C-3-G, or M, the replacement space shall include one square foot of PDR, Institutional Community, or Arts Activities use for each square foot of such use proposed for conversion.

(2) In the areas that, as of July 1, 2016, are zoned UMU, MUO, MUG, or MUR, the replacement space shall include 0.75 square foot of PDR, Institutional Community, or Arts Activities use for each square foot of such use proposed for conversion if the use is replaced on the same property. If the use is replaced off-site, then it must be replaced at a 1:1 ratio.

The measure allows the replacement space to be used for PDR, Institutional Community, or Arts Activities, regardless of which use is proposed for conversion.

If the replacement space is located off-site, it must be located in the same plan area or within 1/4 mile of the property, or, if replacing PDR space off-site, in any area that is zoned for PDR as a principally permitted use.

If the proposed project is the subject of a development agreement, the required replacement space may be reduced by 0.25 if the development agreement also requires the replacement space be rented, leased, or sold at 50% below market rate.

In order to approve any conversions, the Planning Commission must make findings required under Planning Code Section 303 for conditional use authorization, and shall consider the suitability of the replacement space for the use proposed.

Certain property is exempt from the requirements of this ordinance, specifically: any property under the jurisdiction of the Port of San Francisco or the Recreation and Park Commission; Redevelopment Plan Areas in effect as of July 1, 2016; any undeveloped property or portions of a property; any site where the use that is subject to conversion commenced after June 14, 2016; any project that has received final Planning Commission approval by June 14, 2016; and any public transportation project.

The measure states that the Board of Supervisors may adopt an in lieu fee to meet the replacement requirements, which fee would be used for the preservation and rehabilitation of existing PDR, Institutional Community, and Arts Activities uses.

The measure provides that the Board of Supervisors may amend it at any time to promote or better achieve its goal of protecting and enhancing these uses.

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