

1 [Zoning - Interim Moratorium on Single Room Occupancy developments in Western SoMa
2 Service/Light Industrial zones.]

3 **Urgency Ordinance approving an interim zoning moratorium on Single Room**
4 **Occupancy (SRO) developments in Western South of Market (SoMa) Service/Light**
5 **Industrial (SLI) zones for 45 days and making required findings, including**
6 **environmental findings and a determination of consistency with the priority policies of**
7 **Planning Code Section 101.1.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 Section (a). General Findings.

15 (1) San Francisco has a proud tradition of service and light industrial businesses that
16 reflect the diverse character of the City.

17 (2) Light industrial and service businesses are important to maintain the diverse and
18 historic character of the City and Western SoMa neighborhood.

19 (3) The Service/Light Industrial (SLI) District is designed to protect and facilitate the
20 expansion of existing general commercial, manufacturing, home and business service,
21 live/work use, arts uses, light industrial activities and small design professional office firms.

22 (4) Single Room Occupancy (SRO) developments in the City generally, and in
23 Western SoMa specifically, have traditionally been designed to meet the needs of the City's
24 very low- and low-income residents. Currently, only development of group housing, SRO
25 units and low-income affordable dwelling units are permitted as a conditional use in the SLI

1 District. Other residential uses are prohibited in SLI Districts in Western SoMa. SROs can be
2 classified as either group housing or dwelling units, depending on their configuration.

3 (5) While development of SRO units has been permitted as a conditional use, the
4 majority of the new SRO projects built have been market rate and have not furthered their
5 intended purpose of increasing affordable housing in the neighborhood.

6 (6) Light industrial and service businesses are important means of providing jobs and
7 economic resources for the City.

8 (7) Since 1997, the City has imposed Industrial Protection Zone (IPZ) controls to
9 control light industrial use displacement

10 (8) Many of the remaining neighborhood service and light industrial buildings are
11 threatened with potential closures, conversion or demolition in the near future, including many
12 projects currently in the pipeline.

13 (9) SRO buildings in an SLI District present serious health and safety concerns due to
14 the proximity of their residents to pollution and noise associated with the commercial uses.

15 (10) SRO units are not an appropriate use in the SLI District due to the lack of
16 neighborhood serving retail providers.

17 (11) SLI Districts are generally active and well-used only during daytime working
18 hours. Therefore, SRO units in an SLI District present serious safety issues for the residents
19 of SROs due to the lack of street life at night and the absence of many other residential uses.

20 (12) The Board has considered alternatives and found no feasible alternative to
21 satisfactorily mitigate or avoid the specific, adverse impact identified by SRO buildings in the
22 Western SoMa SLI District as well or better, with a less burdensome or restrictive effect, than
23 the adoption of this proposed interim ordinance.

24 Section (b). Findings related to imposition of an interim moratorium.
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1 (1) Planning Code Section 306.7 provides for the imposition of interim zoning controls
2 to accomplish several objectives, including preservation of historic and architecturally
3 significant buildings and areas; preservation of residential neighborhoods; preservation of
4 neighborhoods and areas of mixed residential and commercial uses in order to preserve the
5 existing character of such neighborhoods and areas; and development and conservation of
6 the City's commerce and industry to maintain the City's economic vitality, provide its citizens
7 with adequate jobs and business opportunities, and maintain adequate services for its
8 residents, visitors, businesses and institutions.

9 (2) These controls are intended and designed to deal with and ameliorate the
10 problems and conditions associated with the loss of service and light industrial uses by
11 imposing a temporary moratorium on issuing permits for the demolition and conversion of
12 these businesses to build SRO units.

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

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

19 Section (c). Planning Code Section 101.1 Findings.

20 This interim zoning moratorium advances and is consistent with Priority Policies 2 and
21 5 of Planning Code section 101.1 in that they attempt to preserve the cultural and economic
22 diversity of the Western SoMa Neighborhood and maintain a diverse economic base by
23 protecting the industrial and service sectors in the Western SoMa Neighborhood. With
24 respect to Priority Policies 1, 4, 6, 7, and 8, the Board finds that the interim zoning moratorium
25 does not, at this time, have an effect upon these policies, and thus, will not conflict with said

1 policies. With respect to Policy 3, the Board finds that the majority of new SRO developments
2 are market rate and thus any impact on affordable housing will be minor, especially given the
3 limited geographic scope of these interim controls. On balance, these interim controls are
4 consistent with the Priority Policies.

5 Section (d). Environmental Findings.

6 The Planning Department has determined that the actions contemplated in this
7 Ordinance are in compliance with the California Environmental Quality Act (California Public
8 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
9 Board of Supervisors in File No. and is incorporated herein by reference.

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

12 (a) No permit shall be issued for the construction of a new SRO building in the West
13 SoMa Neighborhood SLI District.

14 (b) For purposes of this Ordinance, an SRO shall be, as set forth in Planning Code
15 section 890.88(b), "a dwelling unit or group housing room consisting of no more than one
16 occupied room with a maximum gross floor area of 350 square feet and meeting the Housing
17 Code's minimum floor area standards. The unit may have a bathroom in addition to the
18 occupied room. As a dwelling unit, it would have a cooking facility and bathroom. As a group
19 housing room, it would share a kitchen with one or more other single room occupancy unit/s in
20 the same building and may also share a bathroom. A single room occupancy building (or
21 "SRO" building) is one that contains one or more SRO units and non nonaccessory living
22 space."

23 (c) For purposes of this Ordinance, an SLI District shall be as set forth in Planning
24 Code section 817, except that SRO buildings shall not be permitted, as per this ordinance.

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1 (d) For purposes of this Ordinance, the Western SoMa Neighborhood shall be as set
2 forth in the Western SoMa Planning Area Special Use District, as shown on Section Maps
3 1SU, 7SU, and 8SU of the Zoning Map.

4 (e) This interim moratorium shall remain in effect for 45 days unless extended in
5 accordance with California Government Code section 65858 or permanent controls are
6 adopted to address permitting of Single Room Occupancy projects in the Western SoMa
7 Neighborhood's SLI District, whichever first occurs.

8 (f) The Board further finds, based on the above findings and evidence contained in the
9 Board File No. and presented at public hearings, that, in accordance with California
10 Government Code section 65858:

11 (1) The continued approval of the development of multifamily housing
12 projects would have a specific, adverse impact upon the public health or safety.
13 As used in this paragraph, a "specific, adverse impact" means a significant,
14 quantifiable, direct, and unavoidable impact, based on objective, identified
15 written public health or safety standards, policies, or conditions as they existed
16 on the date that the ordinance is adopted by the legislative body.

17 (2) The interim ordinance is necessary to mitigate or avoid the specific,
18 adverse impact identified pursuant to paragraph (1).

19 (3) There is no feasible alternative to satisfactorily mitigate or avoid the
20 specific, adverse impact identified pursuant to paragraph (1) as well or better,
21 with a less burdensome or restrictive effect, than the adoption of the proposed
22 interim ordinance.

23 Section 3. Within 25 days of the Board's approval of this Ordinance, the Planning
24 Department shall submit to the Clerk of the Board a written report describing the measures
25 taken to alleviate the conditions that led to the adoption of the Ordinance. Upon receipt of the

1 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.
2 Said hearing and the action taken thereon shall be no later than 35 days after this Ordinance
3 is finally adopted.

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

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By: _____
Susan Cleveland-Knowles
Deputy City Attorney

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