

FILE NO. 080093

ORDINANCE NO.

[Zoning – Extending the interim moratorium on institutional uses in the Western SoMa.]

**Urgency Ordinance approving an extension of interim zoning moratorium to prohibit the establishment of specified new institutional uses in the Western SoMa Planning Area Special Use District for an additional 22 months and 15 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.**

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

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

Section 1. Findings.

(a) General Findings.

(1) San Francisco has a proud tradition of neighborhoods and thriving commercial districts that reflect the diverse character of the city.

(2) The Western SoMa Planning Area Special Use District houses important production, distribution, and repair (“PDR”) services that are a vital part of the San Francisco and regional economy, including the flower industry. For purposes of this Ordinance, PDR is defined as set forth in Planning Commission Resolution Number 16727 (2004), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 071534.

(3) For over twenty years, the Academy of Art University, among other institutions, failed to file the Institutional Master Plan required by Section 304.5 of the Planning Code.

(4) Failure to comply with the City's Institutional Master Plan process results in the avoidance of public scrutiny of institutional expansion into various neighborhoods, including the South of Market.

1 (5) The Western SoMa Citizens Planning Task Force is developing proposed controls  
2 to protect existing PDR businesses from displacement and establish appropriate uses in the  
3 Western SoMa and is scheduled to release its draft plan by the end of January 2008.

4 (b) Findings related to imposition and extension of an interim moratorium.

5 (1) Planning Code Section 306.7 provides for the imposition and extension of interim  
6 zoning controls to accomplish several objectives, including development and conservation of  
7 the City's commerce and industry to maintain the City's economic vitality, provide its citizens  
8 with adequate jobs and business opportunities, and maintain adequate services for its  
9 residents, visitors, businesses, and institutions.

10 (2) These controls are intended and designed to deal with and ameliorate the  
11 problems and conditions associated with the displacement of production, distribution, and  
12 repair PDR uses in certain commercial and industrial-use zones by prohibiting the  
13 establishment of new institutional uses that could displace PDR and other uses traditionally  
14 found in this area.

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

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

21 (5) This Board, in Ordinance No. 280-07, imposed an initial 45-day moratorium on  
22 institutional uses in the subject area. A copy of that Ordinance is on file with the Clerk of the  
23 Board of Supervisors in File No. 071534 and is incorporated by reference herein.

24 (6) Pursuant to Ordinance No. 280-07, the Planning Department, on January 9, 2008,  
25 issued a report on the subject moratorium and made various recommendations for permanent

1 zoning controls. On January 14, 2008, the Board of Supervisors' Land Use Committee  
2 conducted a hearing on a Motion concerning said report and recommended that the full Board  
3 approve the Motion. The public testimony and documents related to this Motion are part of  
4 the Clerk of the Board of Supervisors File No. 080036 and are incorporated herein by  
5 reference. The Board of Supervisors in Motion No. \_\_\_\_\_, adopted said report. A  
6 copy of the Motion and the report are on file with the Clerk of the Board of Supervisors in File  
7 No. 080036 and are incorporated herein by reference.

8 (7) California Government Code Section 65858(c) Findings. This Ordinance  
9 addresses institutional uses only, and therefore, extension of the interim moratorium has no  
10 specific adverse impact on approvals related to projects with a significant component of  
11 multifamily housing as such terms are defined in Government Code Section 65858

12 (c) Planning Code Section 101.1 Findings.

13 This interim zoning moratorium advances and is consistent with Priority Policies 2 and  
14 5 of the Planning Code Section 101.1 in that they attempt to conserve a diverse economic  
15 base and city and regional serving PDR uses. With respect to Priority Policies 1, 3, 4, 6, 7 and  
16 8, the Board finds that the interim zoning moratorium does not, at this time, have an effect  
17 upon these policies, and thus, will not conflict with said policies.

18 (d) Environmental Findings.

19 The Planning Department has determined that the actions contemplated in this  
20 Ordinance are in compliance with the California Environmental Quality Act (California Public  
21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
22 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

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

1 (a) In the Western SoMa Planning Area Special Use District, as set forth in Planning  
2 Code Section 823, No permit shall be issued for the establishment of new institutional uses  
3 that are subject to the institutional master plan requirements in Section 304.5. in the Western  
4 SoMa Planning Area Special Use District, as defined in Ordinance No. 206-06, Clerk of the  
5 Board of Supervisors File No. 060483. This Ordinance is incorporated herein by reference.

6 (b) This interim moratorium shall remain in effect for an additional 22 months and 15  
7 days from the termination date of Ordinance No. 280-07 in accordance with California  
8 Government Code Section 65858 or until permanent controls are adopted to address  
9 institutional uses in the Western SOMA, whichever first occurs.

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

13 By: \_\_\_\_\_  
14 John D. Malamut  
15 Deputy City Attorney  
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