

File No. 141093

Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Development

Date Dec. 8, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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Completed by: Andrea Ausberry Date Dec. 4, 2014

Completed by: _____ Date _____

1 [Zoning - Interim Moratorium Extension on Production, Distribution, and Repair Conversion in
2 the Proposed Central South of Market Plan Area]

3 **Urgency Ordinance approving an extension of the interim zoning moratorium to**
4 **prohibit the conversion or replacement of Production, Distribution, and Repair uses in**
5 **the proposed Central South of Market Plan Area bounded by Market Street on the**
6 **north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the**
7 **west, for 22 months and 15 days, affirming the Planning Department's determination**
8 **under the California Environmental Quality Act, and making findings of consistency**
9 **with the eight priority policies of Planning 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.

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

18 Section 1. Findings.

19 (a) **General Findings.**

20 (1) The proposed Central South of Market Plan Area is bounded by Market Street on
21 the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west.

22 (2) The Planning Department and the public are currently engaged in a planning
23 process to develop a comprehensive set of zoning and design controls for this area. As part
24 of that effort, the Planning Department, in April 2013 released a draft report for public review
25 of the Central Corridor Plan, now known as the Central South of Market (SoMa) Plan. Copies
of this Plan are available at the Planning Department at 1650 Mission Street and on the

1 Planning Department's website. This Plan looks at existing and proposed programs for land
2 use, urban form, streetscape and circulation, open space, historic resources and social
3 heritage, sustainability, and public improvements.

4 (3) During the planning for this effort, which has been coupled with the current
5 economic boom cycle, the Central SoMa Plan Area has witnessed significant changes in
6 types and scale of development zoning uses. As a result, development pressure to modify
7 and change existing uses is outpacing the City's ability to establish zoning controls that
8 appropriately respond to and balance these changes.

9 (4) One type of zoning use in the Central SoMa Plan Area and elsewhere in San
10 Francisco that has been particularly susceptible to displacement and outright loss by recent
11 economic trends is PDR (production, distribution, and repair services) use.

12 (5) As a result of changes to existing PDR uses in the proposed Central SoMa Plan
13 Area, this Board adopted Ordinance No. 210-14 to place a temporary moratorium on changes
14 to and replacement of PDR uses in this area, subject to specified exemptions, in order to
15 provide time for the City to determine if permanent zoning changes could be formulated that
16 minimize the disruption associated with such changes of use. A copy of this ordinance is on
17 file with the Clerk of the Board in File No. 140951 and is available on the Board's website.

18 (6) On October 28, 2014, the Board of Supervisors adopted Motion No. M14-184, to
19 approve a report that the Planning Department prepared on possible methods to address the
20 zoning concerns identified in Ordinance No. 210-14. A copy of the Motion is on file with the
21 Clerk of the Board of Supervisors in File No. 141093 and is and is available on the Board's
22 website, and is incorporated herein by reference.

23 (7) The conditions that led the Board of Supervisors to adopt Ordinance No. 210-14
24 continue to exist. These interim controls are intended to provide stability to the neighborhood
25 during the time that the draft Central SoMa Plan is under development and public review.

1 Consequently, this Board has determined that the moratorium should be extended to provide
2 adequate time for the Planning Department and other City officials to address these
3 conditions through permanent zoning controls. During this interim period, the Board urges the
4 San Francisco Planning Department to balance the need for retaining PDR with the desire to
5 have more affordable housing, a vibrant small business community, and high density housing
6 and office space in the future Central SoMa Plan Area.

7 **(b) Findings related to imposition of an interim moratorium.**

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

16 (2) These controls are intended and designed to deal with and ameliorate the
17 problems and conditions associated with changes to and replacement of PDR uses while the
18 proposed Central SoMa Plan is pending so that the City can continue to preserve
19 neighborhoods and areas of mixed residential and commercial uses in order to maintain the
20 existing character of such neighborhoods and areas and develop and conserve the City's
21 commerce for the reasons specified above in Subsection (1). In addition, until permanent
22 controls are adopted, these controls will support of the primary objectives of the Central SoMa
23 Plan including: (A) support transit-oriented growth, particularly workplace growth, (B) shape
24 the area's urban form recognizing both City and neighborhood contexts, and (C) maintain the
25 area's vibrant economic and physical diversity.

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

3 (4) This Board has determined that the public interest will be best served by imposition
4 of these interim controls at this time in order 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 1 in that
9 the controls will preserve and enhance existing neighborhood-serving retail uses and enhance
10 future opportunities for resident employment in and ownership of such businesses; Priority
11 Policy 2 to conserve and protect existing housing and neighborhood character in order to
12 preserve the cultural and economic diversity of this neighborhood; Priority Policy 4 so that
13 commuter traffic does not impede Muni transit service or overburden our streets or
14 neighborhood parking; and Priority Policy 5 in order to maintain a diverse economic base by
15 protecting our industrial and service sectors from displacement due to commercial office
16 development, and potential enhance future opportunities for resident employment and
17 ownership in these sectors. With respect to Priority Policies 3, 6, 7, and 8, the Board finds
18 that the interim zoning moratorium does not, at this time, have an effect upon these policies,
19 and thus, will not conflict with said policies.

20 (d) Environmental Findings.

21 The Planning Department has determined that the actions contemplated in this
22 Ordinance are in compliance with the California Environmental Quality Act (California Public
23 Resources Code sections 21000 et seq.). The Board of Supervisors hereby affirms this
24 determination. A copy of said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 141093 and incorporated herein by reference.

1
2 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
3 Ordinance:

4 (a) Neither the Planning Department nor the Planning Commission shall issue an
5 approval or authorization for any change to or replacement of PDR use by a non-PDR use in
6 the proposed Central SoMa Plan Area. This area is bounded by Market Street on the north,
7 Townsend Street on the south, 2nd Street on the east, and 6th Street on the west. For
8 purposes of these controls, PDR, change of use, and replacement of use are all defined in
9 Planning Code Section 401.

10 (b) The following districts, uses, and projects are exempt from these controls:

11 (1) The C-3 zoned districts;

12 (2) Proposed projects that are comprised of 100% affordable housing as defined in
13 Planning Code Sections 415.1 et seq.;

14 (3) Properties containing any of the following PDR uses: gas stations, parking lots, or
15 self-storage;

16 (4) Projects subject to a development agreement under Administrative Code Chapter
17 56 and California Government Code Sections 65864 et seq.;

18 (5) Projects that have submitted an environmental evaluation case to the Planning
19 Department on or before September 1, 2014; and

20 (6) Projects that received a Planning Commission approval under Planning Code
21 Section 321 and 803.9 on or before September 11, 2014.

22 (c) Except as provided in Section 2(b)(6) above, no project located in the SLI
23 (Service/Light Industrial) District, as defined in Planning Code Section 817, is eligible for any
24 of the exemptions to the moratorium as set forth in Subsection (b).
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(d) This interim zoning moratorium shall remain in effect for 22 months and 15 days from the termination date of Ordinance No. _____ or from the date that permanent controls are adopted and in effect to address the conversion of PDR in a manner that better conserves neighborhood character in the identified area, whichever first occurs.

(e) If application of this ordinance would have the effect of denying approvals needed for development of a project specified in California Government Code Section 65858(c) and (h), this moratorium shall not apply to that use.

Section 3. No later than 22 months after the Board's adoption of this ordinance, the Planning Department shall submit to the Clerk of the Board a written report describing the measures taken to alleviate the conditions that led to the adoption of this ordinance. Upon receipt of the report, the Clerk shall calendar a motion for the full Board to consider and approve said report. Said hearing and the action taken thereon shall be at least 10 days prior to the expiration of this ordinance.

Section 4. Effective Date. This urgency ordinance shall become effective immediately after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the 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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LEGISLATIVE DIGEST

[Zoning - Interim Moratorium Extension on Production, Distribution, and Repair Conversion in the Proposed Central South of Market Plan Area]

Urgency Ordinance approving an extension of the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 22 months and 15 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 306.7 establishes procedures for adopting interim zoning controls. If the interim zoning control is a moratorium, the legislation also must comply with California Government Code Sections 65858 et seq., which establishes requirements related to the initial adoption of the moratorium and any extensions thereof. An interim moratorium takes the form of an urgency ordinance, has only one reading of the Board of Supervisors, requires a 4/5ths vote of the Board of Supervisors for approval, and is effective under the same terms as a Board of Supervisors resolution. Planning Code Section 401 defines Production, Distribution, and Repair (PDR) uses and change of use and replacement of use in the context of PDR. If certain public notice requirements are met when the Board first adopts an initial 45-day interim moratorium, the extension of a moratorium can last up to 22 months and 15 days.

Amendments to Current Law

Extension of interim zoning moratorium urgency ordinance would prevent the Planning Department and the Planning Commission from issuing an approval or authorization to change or replace PDR use by a non-PDR use in the proposed Central South of Market Plan Area for an additional 22 months and 15 days from the termination of the initial 45-day moratorium. This area is bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west. The legislation would exempt the following areas and projects from the controls: (1) the C-3 zoned districts; (2) proposed projects that are comprised of 100% affordable housing as defined in Planning Code Sections 415.1 et seq.; (3) properties containing any of the following PDR uses: gas stations, parking lots, or self-storage; (4) projects subject to a development agreement under Administrative Code Chapter 56 and California Government Code Sections 65864 et seq.; (5) projects that have submitted an environmental evaluation case to the Planning Department on or before September 1, 2014; and (6) projects that received a Planning Commission approval under Planning Code Section 321 and 803.9 on or before September 11, 2014. But, other than

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exception (6) identified above, none of the exemptions apply to projects located in the SLI (Service/Light Industrial) District. The ordinance also adopts various required findings, including the eight priority policies of Planning Code Section 101.1, and affirms the Planning Department's determination under the California Environmental Quality Act. The legislation requires the Planning Department to prepare a report on measures that could address the zoning concerns identified in the ordinance and the Clerk to schedule a hearing on the Department's report.

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SAN FRANCISCO PLANNING DEPARTMENT

October 24, 2014

Ms. Angela Calvillo, Clerk
Supervisor Jane Kim
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

**Re: Transmittal of Board File No. 140951
Planning Case No. 2011.1356
Planning Department Report: Interim Controls on Production, Distribution, and Repair
Conversion in the Proposed Central South of Market Plan**

Dear Ms. Calvillo and Supervisor Kim;

On October 9, 2014, the San Francisco Board of Supervisors (hereinafter "Board") passed an Ordinance (BF 140951) established interim controls that prohibit the conversion of any production, distribution, or repair (PDR) use within the proposed Central SoMa Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west for 45 days. The Ordinance directs the Planning Department to submit a written report to the Clerk of the Board within 25 days of the Board's approval of the Ordinance describing the measures taken to alleviate the conditions that led to the adoption of the Ordinance. Attached, please find the required report.

Upon receipt of the report, the Ordinance directs the Clerk of the Board to calendar a motion for the full Board to consider and approve this report. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", written over a horizontal line.

Aaron D. Starr
Acting Manager of Legislative Affairs

cc: Andrea Ausberry, Assistant Clerk
April Veneracion Ang, Aide to Supervisor Kim
John Malamut, Deputy City Attorney

Attachments [one copy of each of the following]
**Planning Department Report: Interim Controls on Production, Distribution, and Repair Conversion in
the Proposed Central South of Market Plan**



SAN FRANCISCO PLANNING DEPARTMENT

Planning Department Report

Date: October 24, 2014
Report Name: Interim Controls on Production, Distribution, and Repair Conversion in the Proposed Central South of Market Plan Area
Case No.: 2011.1356
Initiated by: Supervisor Jane Kim [Board File 140951]
Staff Contact: Steve Wertheim, Planner
(415) 558-6612 steve.wertheim@sfgov.org
Reviewed by: Aaron Starr, Acting Manager of Legislative Affairs
Aaron.Starr@sfgov.org

1650 Mission St.
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STATEMENT OF PURPOSE

This report was prepared in response to an Ordinance (BF 140951), introduced by Supervisor Kim on September 9, 2014, and passed into law on October 9, 2014 (Enactment No. 210-14). This Ordinance established interim controls that prohibit the conversion of any production, distribution, or repair (PDR) use within the proposed Central SoMa Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west for 45 days. The Ordinance directs the Planning Department to submit a written report to the Clerk of the Board within 25 days of the Board's approval of the Ordinance describing the measures taken to alleviate the conditions that led to the adoption of the ordinance. Upon receipt of the report, the Ordinance directs the Clerk of the Board to calendar a motion for the full Board of Supervisors (Board) to consider and approve this report.

BACKGROUND

This Ordinance was introduced in response to the potential loss of PDR space in the proposed Central SoMa Plan Area. SoMa has been an important industrial neighborhood for over a century, and there is still an important PDR presence in this area. However, the existing zoning in much of this area (i.e. C-3, MUR, MUG, MUO, SSO, M-1, and South Park) permits the conversion of PDR space to other uses. In these districts, PDR can be converted to uses that can pay substantially higher rents than PDR, such as office and residential. In other zoning districts (i.e. SLI and SALI), conversion is limited to a small number of uses, most of which have less ability to pay relative to PDR, such as retail and social services. In the SLI District, PDR uses can also be converted to office with a Conditional Use Authorization in historic buildings.

Planning for the Central SoMa area began in early 2011 and a Draft Plan was published in April 2013. That Draft Plan is currently undergoing refinement and environmental review. The Draft EIR is expected to be published in early 2015, with adoption hearings expected in the latter half of 2015. The Planning process is contemplating allowing more intense development in some areas, including where PDR is currently protected, while evaluating strategies to retain existing PDR space and create new PDR space throughout the Plan area. During the planning for the Central SoMa Plan, which has been coupled with the current economic boom cycle, the Plan Area has

witnessed significant changes in types and scale of development. As a result, development pressure to modify and change existing uses is outpacing the City's ability to establish zoning controls that appropriately respond to and balance these changes. To address this issue, the Ordinance places a temporary moratorium on conversions of PDR uses in the neighborhood in order to provide time for the City to determine if permanent zoning changes could be formulated that minimize the disruption associated with such conversions of use.

During the 45-day moratorium, neither the Planning Department nor the Planning Commission can issue an approval or authorization for any change to or replacement of PDR use by a non-PDR use in the proposed Central SoMa Plan Area, with the following exemptions:

- (1) The C-3 zoned districts;
- (2) Proposed projects that are comprised of 100% affordable housing as defined in Planning Code Sections 415.1 et seq.;
- (3) Properties containing any of the following PDR uses: gas stations, parking lots, or self-storage;
- (4) Projects subject to a development agreement under Administrative Code Chapter 56 and California Government Code Sections 65864 et seq.; and
- (5) Projects that have submitted an environmental evaluation case to the Planning Department on or before September 1, 2014; and
- (6) Projects that received a Planning Commission approval under Planning Code Section 321 and 803.9 on or before September 11, 2014.

REQUIRED BOARD ACTION

The Board may approve or disapprove this report.

ENVIRONMENTAL REVIEW

This Report was determined not to be a project per State CEQA Guidelines, Section 15060(c)(2).

RECOMMENDATION

The Department is recommending that the issues outlined in the Ordinance be addressed via the Central SoMa Plan.

BASIS FOR RECOMMENDATION

The Central SoMa Plan is a multi-year planning process that already has and will continue to involve engagement with hundreds of stakeholders across the Plan Area and with an interest in the Plan Area. The Plan will also require multiple public hearings and ultimately adoption by the Planning Commission and Board of Supervisors. The Central SoMa Plan therefore presents the best opportunity and forum to discuss the issues of focus in the moratorium in a holistic and systematic manner.

The Central SoMa Plan process is exploring multiple options to fulfill the long-term intent of this Ordinance "to balance the need for retaining PDR with the desire to have more affordable

housing, a vibrant small business community, and high density housing and office space in the future Central SoMa Plan Area." These include such measures as:

- Maintaining the existing zoning on some parcels that are zoned SLI and/or SALI;
- Limiting conversion of all or a percentage of PDR space on existing parcels;
- Creating incentives and/or requirements for new PDR space in the Plan Area.

RECOMMENDATION: Adopt Report
--

AMENDED IN COMMITTEE

9/29/14

FILE NO. 140951

ORDINANCE NO. 210-14

[Zoning - Interim Moratorium on Production, Distribution, and Repair Conversion in the Proposed Central South of Market Plan Area]

1
2 **Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion**
3 **or replacement of Production, Distribution, and Repair uses in the proposed Central**
4 **South of Market Plan Area bounded by Market Street on the north, Townsend Street on**
5 **the south, 2nd Street on the east, and 6th Street on the west, for 45 days; affirming the**
6 **Planning Department's determination under the California Environmental Quality Act;**
7 **and making findings of consistency with the eight priority policies of Planning Code,**
8 **Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
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14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. Findings.

18 (a) **General Findings.**

19 (1) The proposed Central South of Market Plan Area is bounded by Market Street on
20 the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west.

21 (2) The Planning Department and the public are currently engaged in a planning
22 process to develop a comprehensive set of zoning and design controls for this area. As part
23 of that effort, the Planning Department, in April 2013 released a draft report for public review
24 of the Central Corridor Plan, now known as the Central South of Market (SoMa) Plan. Copies
25 of this Plan are available at the Planning Department at 1650 Mission Street and on the

1 Planning Department's website. This Plan looks at existing and proposed programs for land
2 use, urban form, streetscape and circulation, open space, historic resources and social
3 heritage, sustainability, and public improvements.

4 (3) During the planning for this effort, which has been coupled with the current
5 economic boom cycle, the Central SoMa Plan Area has witnessed significant changes in
6 types and scale of development zoning uses. As a result, development pressure to modify
7 and change existing uses is outpacing the City's ability to establish zoning controls that
8 appropriately respond to and balance these changes.

9 (4) One type of zoning use in the Central SoMa Plan Area and elsewhere in San
10 Francisco that has been particularly susceptible to displacement and outright loss by recent
11 economic trends is PDR (production, distribution, and repair services) use.

12 (5) As a result of changes to existing PDR uses in the proposed Central SoMa Plan
13 Area, this Board intends to place a temporary moratorium on changes to and replacement of
14 PDR uses in this area, subject to specified exemptions, in order to provide time for the City to
15 determine if permanent zoning changes could be formulated that minimize the disruption
16 associated with such changes of use.

17 (6) These interim controls are intended to provide stability to the neighborhood during
18 the time that the draft Central SoMa Plan is under development and public review. The Board
19 urges the San Francisco Planning Department to balance the need for retaining PDR with the
20 desire to have more affordable housing, a vibrant small business community, and high density
21 housing and office space in the future Central SoMa Plan Area.

22 (b) **Findings related to imposition of an interim moratorium.**

23 (1) Planning Code Section 306.7 provides for the imposition of interim zoning controls
24 to accomplish several objectives, including preservation of historic and architecturally
25 significant buildings and areas; preservation of residential neighborhoods; preservation of

1 neighborhoods and areas of mixed residential and commercial uses in order to preserve the
2 existing character of such neighborhoods and areas; and development and conservation of
3 the City's commerce and industry to maintain the City's economic vitality, provide its citizens
4 with adequate jobs and business opportunities, and maintain adequate services for its
5 residents, visitors, businesses, and institutions.

6 (2) These controls are intended and designed to deal with and ameliorate the
7 problems and conditions associated with changes to and replacement of PDR uses while the
8 proposed Central SoMa Plan is pending so that the City can continue to preserve
9 neighborhoods and areas of mixed residential and commercial uses in order to maintain the
10 existing character of such neighborhoods and areas and develop and conserve the City's
11 commerce for the reasons specified above in Subsection (1). In addition, until permanent
12 controls are adopted, these controls will support of the primary objectives of the Central SoMa
13 Plan including: (A) support transit-oriented growth, particularly workplace growth, (B) shape
14 the area's urban form recognizing both City and neighborhood contexts, and (C) maintain the
15 area's vibrant economic and physical diversity.

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

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

22 (c) Planning Code Section 101.1 Findings.

23 This interim zoning moratorium advances and is consistent with: Priority Policy 1 in that
24 the controls will preserve and enhance existing neighborhood-serving retail uses and enhance
25 future opportunities for resident employment in and ownership of such businesses; Priority

1 Policy 2 to conserve and protect existing housing and neighborhood character in order to
2 preserve the cultural and economic diversity of this neighborhood; Priority Policy 4 so that
3 commuter traffic does not impede Muni transit service or overburden our streets or
4 neighborhood parking; and Priority Policy 5 in order to maintain a diverse economic base by
5 protecting our industrial and service sectors from displacement due to commercial office
6 development, and potential enhance future opportunities for resident employment and
7 ownership in these sectors. With respect to Priority Policies 3, 6, 7, and 8, the Board finds
8 that the interim zoning moratorium does not, at this time, have an effect upon these policies,
9 and thus, will not conflict with said policies.

10 (d) Environmental Findings.

11 The Planning Department has determined that the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code sections 21000 et seq.). The Board of Supervisors hereby affirms this
14 determination. A copy of said determination is on file with the Clerk of the Board of
15 Supervisors in File No. 140951 and incorporated herein by reference.

16
17 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
18 Ordinance:

19 (a) Neither the Planning Department nor the Planning Commission shall issue an
20 approval or authorization for any change to or replacement of PDR use by a non-PDR use in
21 the proposed Central SoMa Plan Area. This area is bounded by Market Street on the north,
22 Townsend Street on the south, 2nd Street on the east, and 6th Street on the west. For
23 purposes of these controls, PDR, change of use, and replacement of use are all defined in
24 Planning Code Section 401.

25 (b) The following districts, uses, and projects are exempt from these controls:

- 1 (1) The C-3 zoned districts;
- 2 (2) Proposed projects that are comprised of 100% affordable housing as defined in
- 3 Planning Code Sections 415.1 et seq.;
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- 5 self-storage;
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- 8 (5) Projects that have submitted an environmental evaluation case to the Planning
- 9 Department on or before September 1, 2014; and
- 10 (6) Projects that received a Planning Commission approval under Planning Code
- 11 Section 321 and 803.9 on or before September 11, 2014.

12 (c) Except as provided in Section 2(b)(6) above, no ~~No~~ project located in the SLI

13 (Service/Light Industrial) District, as defined in Planning Code Section 817, is eligible for any

14 of the exemptions to the moratorium as set forth in Subsection (b).

15 (d) This interim zoning moratorium shall remain in effect for 45 days unless extended

16 in accordance with California Government Code Section 65858 or permanent controls are

17 adopted to address conversion of PDR uses, whichever first occurs.

18 (e) If application of this ordinance would have the effect of denying approvals needed

19 for development of a project specified in California Government Code Section 65858(c) and

20 (h), this moratorium shall not apply to that use.

21

22 Section 3. Within 25 days of the Board's adoption of this ordinance, the Planning

23 Department shall submit to the Clerk of the Board a written report describing the measures

24 taken to alleviate the conditions that led to the adoption of the ordinance. Upon receipt of the

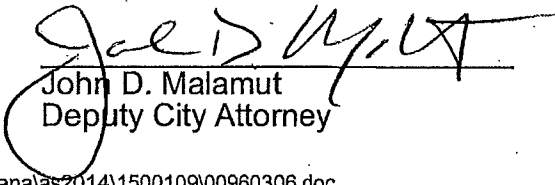
25 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.

1 Said hearing and the action taken thereon shall be no later than 35 days after this ordinance
2 is effective.

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

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By:

11 
12 John D. Malamut
13 Deputy City Attorney

14 n:\leganatas2014\1500109\00960306.doc



City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 140951

Date Passed: September 30, 2014

Urgency Ordinance approving an interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 45 days; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

September 29, 2014 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 29, 2014 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

September 30, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140951

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/30/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

1 [Zoning - Report on Interim Moratorium on Production, Distribution, and Repair Conversion in
2 the Proposed Central South of Market Plan Area]

3 **Motion adopting the Planning Department's report on the interim zoning moratorium to**
4 **prohibit the conversion or replacement of Production, Distribution, and Repair uses in**
5 **the proposed Central South of Market Plan Area bounded by Market Street on the**
6 **north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the**
7 **west.**

8
9 WHEREAS, On September 30, 2014, the Board of Supervisors adopted Ordinance No.
10 210-14 imposing a 45-day moratorium to prohibit the conversion or replacement of
11 Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area
12 bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the
13 east, and 6th Street on the west, for 45 days; a copy of this ordinance is on file with the Clerk
14 of the Board of Supervisors in File No. 140951 and is available on the Board's website; and

15 WHEREAS, This ordinance and the State law on the adoption of interim moratoria,
16 California Government Code, Sections 65858 et seq., require the Board of Supervisors, prior
17 to expiration of the initial 45-day moratorium period, to adopt a written report describing the
18 measures taken to alleviate the conditions that led to the adoption of the ordinance; and

19 WHEREAS, The Planning Department prepared such a report and submitted it to the
20 Clerk of the Board of Supervisors for the Board's consideration; a copy of said report is on file
21 with the Clerk of the Board of Supervisors in File No. 141113 and is incorporated herein by
22 reference; now, therefore, be it

23 MOVED, That the Board of Supervisors adopts the Planning Department report on the
24 proposed Central South of Market Plan Area interim moratorium as its own.
25



City and County of San Francisco

Tails

Motion: M14-184

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 141113

Date Passed: October 28, 2014

Motion adopting the Planning Department's report on the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west.

October 28, 2014 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 141113

I hereby certify that the foregoing Motion was APPROVED on 10/28/2014 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo
Clerk of the Board

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 3, 2014

File No. 141093

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On October 21, 2014, Supervisor Kim introduced the following legislation:

File No. 141093

Urgency Ordinance approving an extension of the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 22 months and 15 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2014.11.26 11:56:13 -08'00'

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: November 4, 2014

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 141093

Urgency Ordinance approving an extension of the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 22 months and 15 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

___ No Comment

___ Recommendation Attached

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Olson Lee, Acting Director, Mayor's Office of Housing

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee, Board of Supervisors

DATE: November 12, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Kim on October 21, 2014:

File No. 141093

Urgency Ordinance approving an extension of the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 22 months and 15 days, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Eugene Flannery, Mayor's Office of Housing
Sophie Hayward, Mayor's Office of Housing

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, December 8, 2014

Time: 1:30 p.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 141093. Urgency Ordinance approving an extension of the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 22 months and 15 days; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 5, 2014.

A handwritten signature in blue ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED/POSTED: November 21, 2014
PUBLISHED: November 28, 2014

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Andrea Ausberry
SF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description: LU Interim Zoning 12/8/14

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

11/28/2014

CNS 2691833

NOTICE OF PUBLIC HEARING LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SF BOARD OF SUPERVISORS DECEMBER 8, 2014 - 1:30 PM COMMITTEE ROOM 263, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA
NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 141093. Urgency Ordinance approving an extension of the interim zoning moratorium to prohibit the conversion or replacement of Production, Distribution, and Repair uses in the proposed Central South of Market Plan Area bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west, for 22 months and 15 days; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 5, 2014. Angela Calvillo, Clerk of the Board

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Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
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 2014 OCT 21 PM 1:47
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 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

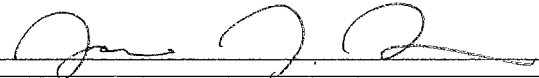
Supervisors Kim, Avalos, Campos, Chiu, Mar

Subject:

Zoning - Interim Moratorium Extension on Production, Distribution, and Repair Conversion in the Proposed Central South of Market Plan Area

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: