

1 [Planning Code - Exceptions from Limits on Conversion of Production, Distribution and
2 Repair, Institutional Community, and Arts Activities Uses in Eastern Neighborhood Plans
3 Areas]

4 **Ordinance amending the Planning Code to exempt from the limitations on conversion**
5 **of certain Production, Distribution and Repair (“PDR”), Institutional Community, and**
6 **Arts Activities uses in the Eastern Neighborhoods Plans Areas (Mission, Eastern SoMa,**
7 **Western SoMa and Central SoMa), changes of use from one of those uses to another of**
8 **those uses, or to Institutional Education uses; affirming the Planning Department’s**
9 **determination under the California Environmental Quality Act; and making public**
10 **necessity, convenience, and welfare findings under Planning Code, Section 302, and**
11 **findings of consistency with the General Plan, and the eight priority policies of**
12 **Planning Code, Section 101.1.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
determination.

1 (b) On _____, the Planning Commission, in Resolution No. _____,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution No. _____, and the Board adopts such
9 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of
10 Supervisors in File No. _____ and is incorporated herein by reference.

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12 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
13 202.8, to read as follows:

14 **SEC. 202.8. LIMITATION ON CONVERSION OF PRODUCTION, DISTRIBUTION,**
15 **AND REPAIR USE, INSTITUTIONAL COMMUNITY USE, AND ARTS ACTIVITIES USE.**

16 The following controls shall apply in the following Eastern Neighborhoods Plans Areas:
17 Mission; Eastern SoMa; Western SoMa; and, if adopted, Central SoMa. Notwithstanding any
18 other provision of this Code, conversion of building space where the prior use in such space
19 was a Production, Distribution, and Repair (PDR) use of at least 5,000 square feet, an
20 Institutional Community use of at least 2,500 square feet, or an Arts Activities use, all as
21 defined in Section 102, through change in use or any other removal, including but not limited
22 to demolition of a building that is not unsound, shall be subject to the following requirements;
23 except that this Section 202.8 shall not apply to conversions of any use listed above to any other use
24 listed above, or to Institutional Education uses, in the areas that, as of July 1, 2016, were zoned SALL,
25 MUO, SLI, MUG or MUR:

1 (a) To preserve the existing stock of building space suitable for PDR, Institutional
2 Community, and Arts Activities uses, such conversion shall, if located within the following
3 zoning districts, require conditional use authorization under Section 303 and the space
4 proposed for conversion shall be replaced in compliance with the following criteria:

5 * * * *

6 ~~(6) Replacement space for PDR and Arts Activities use may be used for either PDR or~~
7 ~~Arts Activities use, regardless of which of those uses is proposed for conversion. Replacement space for~~
8 ~~Institutional Community use shall be used for Institutional Community use.~~

9 * * * *

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11 Section 3. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

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16 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the ordinance.

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1 Section 5. In accordance with subsection (i) of Planning Code Section 202.8, which
2 was enacted by the voters as Proposition X at the November 8, 2016 election, passage of this
3 ordinance requires at least a two-thirds vote (i.e., eight members) of the Board of Supervisors.
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6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ Andrea Ruiz-Esquide
9 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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