

LEGISLATIVE DIGEST

(Amended in Committee - 7/21/16)

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

Motion ordering submitted to the voters an 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, at an election to be held November 8, 2016.

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. Planning Code Section 202.7 requires replacement of certain PDR space in the PDR zoning districts.

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 in certain zoning districts for 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, Western SoMa, and, if adopted, Central SoMa.

Additionally, the measure would require replacement of the space proposed for conversion on-site as part of the new project. The zoning districts and the replacement requirements are as follows:

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

(2) In the areas that, as of July 1, 2016, are zoned UMU, MUO, or SLI, the replacement space shall include 0.75 square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion.

(3) In the areas that, as of July 1, 2016, are zoned MUG or MUR, the replacement space shall include 0.50 square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion.

If a space has been used for a temporary use, such as a “pop-up” restaurant, seasonal market, or craft fair, that temporary use would not get rid of the requirement to meet this measure’s conditional use and replacement requirements if the prior permanent use of the property was PDR, Institutional Community, or Arts Activities.

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 must 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 parcel zoned P (Public) on or after 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 submitted an environmental evaluation application to the Planning Department by June 14, 2016; any public transportation project; any project that receives affordable housing credits associated with retention of affordable units at the South Beach Marina Apartments; any project for 100% affordable housing.

The measure states that the Board of Supervisors may adopt an in lieu fee and/or off-site replacement provisions to meet the replacement requirements. The 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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