

BOARD of SUPERVISORS



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January 18, 2022

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On January 11, 2022, Supervisor Walton submitted the following legislation:

File No. 220041

Ordinance amending the Planning Code and Zoning Map to eliminate the Industrial Protection Zone Special Use District, and allow Social Service or Philanthropic Facilities Uses greater than 5,000 gross square feet subject to a conditional use authorization in Production, Distribution, and Repair 2 (PDR-2) districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

The proposed ordinance is being transmitted for review.

Angela Calvillo, Clerk of the Board

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

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Tina Tam, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Chief of Staff
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning

1 [Planning Code, Zoning Map - Production, Distribution, and Repair Uses]

2

3 **Ordinance amending the Planning Code and Zoning Map to eliminate the Industrial**
4 **Protection Zone Special Use District, and allow Social Service or Philanthropic**
5 **Facilities Uses greater than 5,000 gross square feet subject to a conditional use**
6 **authorization in Production, Distribution, and Repair 2 (PDR-2) districts; affirming the**
7 **Planning Department’s determination under the California Environmental Quality Act;**
8 **making findings of consistency with the General Plan, and the eight priority policies of**
9 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**
10 **and welfare pursuant to Planning Code, Section 302.**

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

15

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

17

18 Section 1. Land Use and Environmental Findings.

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

24 (b) On _____, the Planning Commission, in Resolution No. _____,
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors find that this
5 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
6 Planning Commission Resolution No. _____, and incorporates such reasons by this
7 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
8 Supervisors in File No. _____.

9

10 Section 2. General Findings.

11 (a) The Industrial Protection Zone Special Use District (IPZ) was created in 2001 to
12 protect M-1 and M-2 industrial areas from the economic pressure of higher-rent uses like
13 residential, retail, and office. The IPZ is premised upon Manufacturing (M-1 and M-2) zoning,
14 and is predominantly located in the Bayshore and Bayview neighborhoods.

15 (b) The IPZ was intended to be removed when stronger Production, Distribution,
16 and Repair (PDR) zoning controls generally replaced M-1 and M-2 zoning in 2008. However,
17 the IPZ still remains and continues to refer to the outdated M-1 and M-2 zoning. This causes
18 undue confusion, and undermines the PDR-2 controls that apply to neighborhoods located in
19 the IPZ.

20 (c) Under the M-1 and M-2 zoning, self-storage, big box retail, or heavy industrial
21 uses are permitted in areas that are more appropriately characterized as PDR, which would
22 not allow those uses.

23 (d) It is in the public interest to amend the zoning controls, and delete the IPZ to
24 better support San Francisco's PDR businesses.

25

1 (e) Social services and philanthropic facilities that conduct activities of a charitable
2 or public service nature that inherently involve PDR space or activities (e.g., distribution,
3 warehousing) may require locating their general operations or offices near such PDR spaces
4 or facilities.

5
6 Section 3. Article 2 of the Planning Code is hereby amended by deleting Section
7 249.22 in its entirety, as follows:

8 **~~SEC. 249.22. INDUSTRIAL PROTECTION ZONE SPECIAL USE DISTRICT.~~**

9 ~~—A Special Use District entitled the "Industrial Protection Zone Special Use District," the~~
10 ~~boundaries of which are shown on the Zoning Maps 8 and 10, is hereby established for the purposes set~~
11 ~~forth below. The following provisions shall apply within the Industrial Protection Zone Special Use~~
12 ~~District:~~

13 ~~—(a) Purposes. In order to protect and preserve production, distribution and repair land uses~~
14 ~~and activities from competing higher priced land uses and activities an Industrial Protection Zone~~
15 ~~Special Use District zoning is established that:~~

16 ~~—(1) Will enhance commercial and industrial land use diversity in San Francisco;~~

17 ~~—(2) Will be geographically close to other San Francisco land uses that require the goods~~
18 ~~and services provided by industrial land uses in the City;~~

19 ~~—(3) Will be conveniently served by street and highway systems and San Francisco Port~~
20 ~~related waterfront access.~~

21 ~~—(b) Controls.~~

22 ~~—(1) General. The provisions of the M-1 and M-2 use districts established by Section 201 of~~
23 ~~this Code shall prevail except as provided in paragraphs (2) and (3) below.~~

24 ~~—(2) Housing. In recognition of the need to preserve and protect production, distribution~~
25 ~~and repair land uses and facilities from competition from housing development, no residential or~~

live/work development or conversion to such uses shall be allowed in the Industrial Protection Zone Special Use District.

~~— (3) Office. In recognition of the need to preserve and protect production, distribution and repair land uses and facilities from competition from office development, no new office development or conversion to office shall be allowed in the Industrial Protection Zone Special Use District except where such office space is determined to be accessory to a permitted industrial use.~~

Section 4. Article 2 of the Planning Code is hereby amended by revising Section 210.3, to read as follows:

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Institutional Use Category					
* * * *					
Social Service or Philanthropic Facility	§ 102	P (5)	P (8)	P (8)	P (5) <u>(8)</u>
* * * *					

(5) NP above 5,000 Gross Square Feet.

* * * *

1 (8) C if above 5,000 Gross Square Feet, provided that any Social Service and
2 Philanthropic Facility Use greater than 5,000 Gross Square Feet that submitted a development
3 application on or before December 31, 2021 shall be Principally Permitted. This exception for Social
4 Service and Philanthropic Facilities Uses greater than 5,000 Gross Square Feet in this note (8) shall
5 expire by operation of law on December 31, 2026, unless the City enacts an ordinance with an effective
6 date on or before that date that extends or re-enacts this exception. Any authorizations granted under
7 this exception for Social Service and Philanthropic Facility Uses greater than 5,000 Gross Square Feet
8 shall be valid for such period of time as the conditions of approval of such authorization provide,
9 notwithstanding the expiration of this exception. Following the expiration of this exception, the City
10 Attorney shall cause this exception to be removed from note (8), which will henceforth denote that Uses
11 greater than 5,000 Gross Square Feet are permitted subject to a Conditional Use Authorization.

12 * * * *

13
14 Section 5. The San Francisco Zoning Map is hereby amended by deleting the
15 “Industrial Protection Zone Special Use District” from Zoning Map Sheets SU 08, SU 10 and
16 SU 11.

17
18 Section 6. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor’s veto of the ordinance.

22
23 Section 7. Scope of Ordinance. Except as stated in Section 5 of this ordinance
24 regarding amendment of the Zoning Map, in enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Production, Distribution, and Repair Uses]

Ordinance amending the Planning Code and Zoning Map to eliminate the Industrial Protection Zone Special Use District, and allow Social Service or Philanthropic Facilities Uses greater than 5,000 gross square feet subject to a conditional use authorization in Production, Distribution, and Repair 2 (PDR-2) districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

The Industrial Protection Zone Special Use District (IPZ) was created in 2001 to protect and preserve production, distribution and repair land uses and activities from competing higher priced land uses and activities. The IPZ is predominantly located in the Bayshore and Bayview neighborhoods.

Social Services and Philanthropic Facility Uses greater than 5,000 gross square feet are not permitted in the Production, Distribution, and Repair 2 (PDR-2) zoning district.

Amendments to Current Law

This ordinance would delete the IPZ SUD from the Planning Code and the relevant Zoning Maps.

It would also allow Social Services and Philanthropic Facility Uses greater than 5,000 gross square feet as a Principally Permitted Use, if the project submits a development application between December 31, 2021 and December 31, 2026.

Background Information

The IPZ was intended to be removed when stronger PDR zoning controls generally replaced M-1 and M-2 zoning in 2008. However, the IPZ still remains and continues to refer to the outdated M-1 and M-2 zoning. This causes undue confusion, and undermines the PDR-2 controls that apply to neighborhoods located in the IPZ.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Walton

Subject:

Planning Code, Zoning Map - Production, Distribution, and Repair

The text is listed:

Ordinance amending the Planning Code and Zoning Map to eliminate the Industrial Protection Zone Special Use District, and allow Social Service or Philanthropic Facilities Uses greater than 5,000 gross square feet subject to a conditional use authorization in PDR-2 districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Signature of Sponsoring Supervisor: /s/ Shamann Walton