

1 [Zoning – Live/Work Moratorium.]
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3 **Resolution imposing interim zoning controls to prohibit construction of new live/work**
4 **developments, as defined in San Francisco Planning Code Section 102.13, in the City**
5 **and County of San Francisco, for a six (6) month period, and making a determination of**
6 **consistency with the priority policies of Planning Code Section 101.1.**
7

8 WHEREAS, The Commerce and Industry Element of the San Francisco Master Plan
9 advances Objectives and Policies that call for a balanced economic base for San Francisco,
10 particularly those sectors of the economy that employ a high percentage of San Franciscans
11 and provide entry level employment opportunities; and,

12 WHEREAS, The industrial, manufacturing, tourist, service and maritime sectors have a
13 long tradition in San Francisco's employment history, adding to San Francisco's diversity both
14 as an economic entity and as a community that embraces, values, and provides employment
15 opportunities for people with a broad range of skills, trades, and talents; and,

16 WHEREAS, The economic vitality and health of other major sectors of San Francisco's
17 economy, such as retailing, downtown office and medical services, among others, depend on
18 adequate and essential support from the industrial, manufacturing, entertainment, service and
19 maritime sectors, and,

20 WHEREAS, San Francisco Planning Code Section 102.13 defines a "Live/Work Unit"
21 as a "structure or portion of a structure combining a residential living space for a group of
22 persons including not more than four adults with an integrated work space principally used by
23 one or more of the residents"; and,

24 WHEREAS, Live/work development currently is governed by Planning Code Sections
25 102.13, 209.9 (f), (g) and (h), 227 (p) and (q), and 233, which generally allow live/work

1 development as a permitted or conditional use in various RH, RM, RC, C, M and South of
2 Market zoning districts, subject to certain limitations; and,

3 WHEREAS, The availability of land zoned for industrial, manufacturing, nighttime
4 entertainment, service, and maritime use has progressively decreased over the years,
5 particularly by construction of live/work uses whose owners and tenants may find such
6 activities offensive and incompatible, resulting in pressures to diminish the viability of
7 industrial, manufacturing, entertainment, service and maritime activity and further convert
8 industrial land to other uses; and,

9 WHEREAS, On December 15, 1994, after three years of hearings about potential uses
10 in the industrially zoned portion of the Mission District, the Northeast Mission Industrial Zone
11 (NEMIZ), the Planning Commission adopted Resolution 13794 designating an Industrial
12 Protection Zone (IPZ) in the NEMIZ and stated that it was concerned about live/work projects,
13 both in new construction and large conversions, due to their potential threat to the viability and
14 stability of the area's industrial, manufacturing, service and commercial activities; and

15 WHEREAS, In Resolution 13794 the Commission stated its policy to protect the NEMIZ
16 IPZ from all new live/work projects proposed for new construction or in conversions of
17 industrial or commercial structures that would include ten (10) or more live/work units to insure
18 that the vitality of industry and manufacturing continue to add to the economic diversity of the
19 NEMIZ, so that these sectors can continue to provide employment opportunities for the area's
20 diverse population, and that these sectors can continue to support and maintain the vitality of
21 the other major sectors of the economy of the NEMIZ and San Francisco as a whole; and

22 WHEREAS, Since January of 1997, at Planning Commission meetings the public, staff
23 and Commissioners have raised a variety of issues about the occupancy and construction of
24 live/work projects; and

1 WHEREAS, The Planning Commission held a series of informational hearings on
2 live/work issues in March of 1997; and

3 WHEREAS, The San Francisco Planning Department briefly summarized the major
4 issues raised at those informational hearings in a Report to the Planning Commission on
5 Live/Work published on May 1, 1997, which report also concluded with a number of short-and
6 long-term recommendations; and

7 WHEREAS, After considering the data, information and recommendations contained in
8 the May 1, 1997 report and after receiving substantial public testimony, the Commission could
9 not reach a consensus and formally tabled the recommendation of the Department on June
10 12, 1997; and

11 WHEREAS, Several months later, in response to the growing concern about live/work
12 projects the Commission instructed the Planning Department to prepare appropriate
13 recommendations to address the issues raised; and

14 WHEREAS, On February 19, 1998 the Planning Department presented An Update to
15 its May 1, 1997 report and its recommendations; and

16 WHEREAS, The Commission heard further testimony at publicized public hearings on
17 February 26, 1998, March 5, 1998 and March 12, 1998; and

18 WHEREAS, On March 12, 1998 the San Francisco Planning Commission adopted
19 Resolution 14556, which established for a period of twelve months mandatory notice and
20 discretionary review procedures for certain live/work projects and were designed to be short-
21 term recommendations until long-term recommendations could be fully considered and
22 potentially implemented; and

23 WHEREAS, In Resolution 14556 the Commission instructed staff to research whether
24 inclusionary housing requirements can be imposed on live/work projects and return to the
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1 Commission with a report, but no inclusionary requirements have yet been presented to or
2 adopted by the Planning Commission; and

3 WHEREAS, On August 13, 1998 the Planning Department presented its Land Use
4 Study – Status Report, to the Planning Commission, to further discuss land use policy in
5 industrial areas; and

6 WHEREAS, On April 8, 1999 the Planning Department issued its Zoning Options for
7 Industrial Land to address the issues and analyze the potential conflicts between live/work
8 and other types of development and recommend certain actions aimed at balancing the
9 needs of live/work development and industrial, manufacturing, tourism, service and maritime
10 sectors, and protecting the public health, safety, and welfare; and

11 WHEREAS, On April 22, 1999, the San Francisco Planning Commission held a public
12 hearing on the Zoning Options study, and four options for interim zoning controls; and

13 WHEREAS, On May 13, 1999, the San Francisco Planning Commission held a public
14 hearing regarding initiation of the proposed interim zoning controls, and adopted Resolution
15 14825, which initiated the imposition of the interim zoning controls; and

16 WHEREAS, On June 22, 1999, the Board of Supervisors conducted a public hearing
17 on whether to impose the substance of these interim controls on live/work development set
18 out herein; and

19 WHEREAS, On June 24, 1999, the San Francisco Planning Commission held a public
20 hearing regarding the proposed interim controls; and

21 WHEREAS, On August 5, 1999, the San Francisco Planning Commission held a public
22 hearing regarding the imposition of the proposed interim zoning controls; and

23 WHEREAS, On August 5, 1999, the San Francisco Planning Commission adopted
24 Resolution 14861 imposing interim zoning controls for a period of eighteen (18) months,
25 creating an industrial protection zone where new live/work uses would not be permitted and a

1 mixed use housing zone where live/work uses would be encouraged, and buffer zones where
2 live/work uses would be encouraged, and buffer zones where live/work uses would require
3 conditional use authorization; and

4 WHEREAS, In the seventeen months since August 5, 1999 the Planning Commission
5 has failed to initiate or adopt permanent zoning controls regulating live/work uses in industrial
6 zones, despite Planning Code requirements that the Planning Department shall do a planning
7 study and propose permanent legislation during the pendency of the interim controls and
8 make reports at a public hearing at least every six months regarding the status of the
9 permanent controls; and

10 WHEREAS, Resolution 14861 was due to expire on November 5, 2000, and as of that
11 date permanent zoning controls had not been submitted for environmental review nor heard
12 by the Planning Commission; and

13 WHEREAS, On November 2, 1000 in Resolution 16020, having not adopted
14 permanent controls, the Planning Commission conducted a hearing and extended the interim
15 controls established in Resolution 14861 for an additional 9 months to August 5, 2001; and

16 WHEREAS, Issues related to live/work development have been continually raised
17 during Planning Commission hearings since June 1997; and

18 WHEREAS, The Planning Commission's interim controls adopted in Resolution 14861
19 have had little effect on the pace of live/work approvals;

20 WHEREAS, Since January of 1997, when the public began asking the Planning
21 Commission to control live/work development because of the adverse effects those projects
22 were having on their communities, the City has approved live/work projects at an accelerating
23 pace; and

24 WHEREAS, Approximately 3,000 units of live/work have been approved in the four
25 years starting with 1997, with forty percent of them, nearly 1,200 units, approved in 2000; and

1 WHEREAS, Despite its policy against live/work development in the NEMIZ IPZ,
2 adopted in Resolution 13794, the Planning Commission has approved every live/work project
3 proposed in that area, for a total of 130 units; and

4 WHEREAS, Not one of the live/work units approved since 1997 has been an affordable
5 unit; and

6 WHEREAS, Only one live/work project has ever been disapproved despite the
7 controversy about the adverse effects of those projects; and

8 WHEREAS, Public records indicate that there are over 750 live/work units presently
9 pending approval in the City's industrial and mixed use areas; and

10 WHEREAS, The Board of Supervisors is authorized by section 306.7 of the Planning
11 Code to impose interim zoning controls in order to protect the public health, safety, peace,
12 and general welfare; and,

13 WHEREAS, In order to ensure that future live/work development does not adversely
14 impact the long-term viability and diversity of San Francisco's industrial, manufacturing,
15 tourism, service and maritime sectors, interim controls are necessary to afford the Board of
16 Supervisors and appropriate City Departments sufficient time to study the problems
17 associated with live/work development in the City; and,

18 WHEREAS, Construction of housing is allowed in M zoning districts as a conditional
19 use and in most of the South of Market zoning districts as either a permitted or conditional
20 use; and,

21 WHEREAS, Interim controls are appropriate to prohibit further development of live/work
22 projects in the City for six (6) months during ongoing study by appropriate City agencies of
23 permanent measures necessary to govern live/work development; and,

1 WHEREAS, The Board of Supervisors has balanced the potential hardship on property
2 owners caused by the imposition of these interim controls against the detriment to the public if
3 no controls are adopted; now, therefore, be it

4 RESOLVED, That the Board of Supervisors hereby imposes a temporary moratorium
5 prohibiting any City agency, board, commission, officer, or employee from approving any
6 demolition permit, grading permit, site permit, building permit, conditional use authorization, or
7 any other land use entitlement for property located in the City and County of San Francisco for
8 live/work development, as defined by Planning Code Section 102.13; and be it

9 FURTHER RESOLVED, That these interim controls shall not bar approval of permits
10 for any non-live/work housing projects in the M zoning districts or in any South of Market
11 zoning district which permit housing as a permitted or conditional use; and be it

12 FURTHER RESOLVED, That these interim controls shall remain in effect for a period
13 of six (6) months from the date of enactment; and be it

14 FURTHER RESOLVED, That these interim controls advance and are consistent with
15 the priority policies of Planning Code Section 101.1, as follows:

16 (1) The proposed legislation is consistent with Priority Policy 1 in that it will have no
17 negative effect on existing neighborhood-serving retail uses.

18 (2) The proposed legislation is consistent with Priority Policy 2 in that it will have no
19 negative effect on existing housing and neighborhood character and no negative effect on the
20 cultural and economic diversity of the City's neighborhoods as it serves to preserve the status
21 quo while further controls are studied.

22 (3) The proposed legislation is consistent with Priority Policy 3 in that it will have no
23 negative effect on the City's current or future supply of affordable housing, and specifically
24 allows approval of permits for the construction of new non-live/work affordable housing during
25 the period of these interim controls.

1 (4) The proposed legislation is consistent with Priority Policy 4 in that it will have no
2 negative impact on commuter traffic or neighborhood parking.

3 (5) The proposed legislation is consistent with Priority Policy 5 in that it does not
4 involve commercial office development which may displace any industrial or service sector
5 employment.

6 (6) The proposed legislation is consistent with Priority Policy 6 in that it will not
7 adversely affect the City's ability to protect against injury and loss of life in an earthquake.

8 (7) The proposed legislation is consistent with Priority Policy 7 in that it will not
9 adversely affect any landmarks or historic buildings.

10 (8) The proposed legislation is consistent with Priority Policy 8 in that it will not
11 adversely affect parks and open space and their access to sunlight and vistas.

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13 APPROVED AS TO FORM:

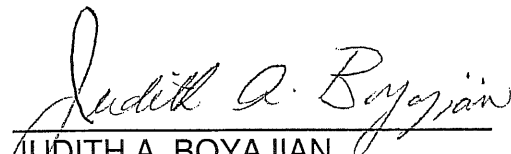
14 LOUISE H. RENNE, City Attorney

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By:


JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco

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

Tails Resolution

File Number: 010062

Date Passed:

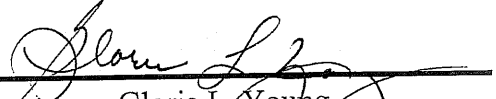
Resolution imposing interim zoning controls to prohibit construction of new live/work developments, as defined in San Francisco Planning Code Section 102.13, in the City and County of San Francisco, for a six (6) month period, and making a determination of consistency with the priority policies of Planning Code Section 101.1.

February 12, 2001 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Leno, Peskin,
Sandoval, Yee
Noes: 1 - Hall
Excused: 1 - Newsom

File No. 010062

I hereby certify that the foregoing Resolution was ADOPTED on February 12, 2001 by the Board of Supervisors of the City and County of San Francisco.



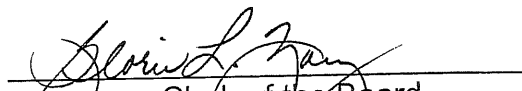
Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

February 23, 2001

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board

File No.
010062