

File No. 141093

Committee Item No. 3

Board Item No. 33

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use & Development

Date Dec. 8, 2014

Board of Supervisors Meeting

Date 12/16/14

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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Completed by: Andrea Ausberry Date Dec. 4, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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

1  
2 **Urgency Ordinance approving an extension of the interim zoning moratorium to**  
3 **prohibit the conversion or replacement of Production, Distribution, and Repair uses in**  
4 **the proposed Central South of Market Plan Area bounded by Market Street on the**  
5 **north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the**  
6 **west, for 22 months and 15 days, affirming the Planning Department's determination**  
7 **under the California Environmental Quality Act, and making findings of consistency**  
8 **with the eight priority policies of Planning Code, 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*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
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  
Planning Department's website. This Plan looks at existing and proposed programs for land

1 use, urban form, streetscape and circulation, open space, historic resources and social  
2 heritage, sustainability, and public improvements.

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

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

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

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

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

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

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

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

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

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

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

10 (1) The C-3 zoned districts;

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

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

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

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

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

21 (c) Except as provided in Section 2(b)(6) above, no project located in the SLI  
22 (Service/Light Industrial) District, as defined in Planning Code Section 817, is eligible for any  
23 of the exemptions to the moratorium as set forth in Subsection (b).

24 (d) This interim zoning moratorium shall remain in effect for 22 months and 15 days  
25 from the termination date of Ordinance No. 210-14 or from until the date that permanent

1 controls are adopted and in effect to address the conversion of PDR in a manner that better  
2 conserves neighborhood character in the identified area, whichever first occurs.

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

6  
7 Section 3. No later than 22 months after the Board's adoption of this ordinance, the  
8 Planning Department shall submit to the Clerk of the Board a written report describing the  
9 measures taken to alleviate the conditions that led to the adoption of this ordinance. Upon  
10 receipt of the report, the Clerk shall calendar a motion for the full Board to consider and  
11 approve said report. Said hearing and the action taken thereon shall be at least 10 days prior  
12 to the expiration of this ordinance.

13  
14 Section 4. Effective Date. This urgency ordinance shall become effective immediately  
15 after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
16 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the  
17 Board of Supervisors overrides the Mayor's veto of the ordinance by a 4/5ths vote.

18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20  
21 By:

  
22 John D. Malamut  
Deputy City Attorney

23 n:\legal\alas2014\1500109\00976172.doc





**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

FILE NO. 141093

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

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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 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](mailto:steve.wertheim@sfgov.org)  
*Reviewed by:* Aaron Starr, Acting Manager of Legislative Affairs  
[Aaron.Starr@sfgov.org](mailto:Aaron.Starr@sfgov.org)

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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.

<b>RECOMMENDATION:</b> <b>Adopt Report</b>
--

[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.**

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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  
5 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.;

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

6 (4) Projects subject to a development agreement under Administrative Code Chapter  
7 56 and California Government Code Sections 65864 et seq.; and

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 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  
5 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 John D. Malamut  
12 Deputy City Attorney

13 n:\vegana\as2014\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

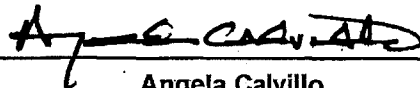
September 29, 2014 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

September 30, 2014 Board of Supervisors - FINALLY PASSED

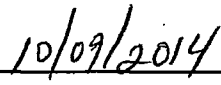
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

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.**



**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

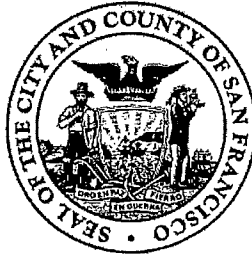
File No. 141113

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, 4<sup>th</sup> 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'

2134



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
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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  
2135

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:

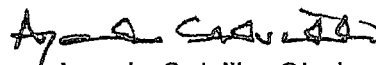
**Date:** Monday, December 8, 2014

**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.

  
(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

CNS 2691833

### 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

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  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2014 OCT 21 PM 1:47  
 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 [ ] 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):

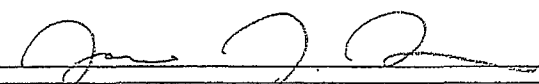
Supervisors Kim, Avalos, Campos, Chiu, Mar

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:

