

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

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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