

File No. 140809

Committee Item No. _____

Board Item No. 49

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date July 22, 2014

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <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 (Use back side if additional space is needed)

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Environmental Review - 07/17/2014</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: John Carroll Date July 17, 2014

Completed by: _____ Date _____

1 [Zoning - Interim Moratorium on Change of Institutional Use in a Portion of the University
2 Mound Neighborhood]

3 Urgency Ordinance approving an interim zoning moratorium on changes of
4 institutional use in a portion of the University Mound neighborhood bounded by
5 Highway 280 on the north, Wayland Street on the south, University Street on the east,
6 and Cambridge Street on the west, for 45 days, affirming the Planning Department's
7 determination under the California Environmental Quality Act, and making findings of
8 consistency with the 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 University Mound neighborhood, primarily zoned RH-1 (Residential Housing,
20 One-Family), is in the Portola District and adjacent to the northern border of John McLaren
21 Park and the University Mound Reservoir.

22 (2) The neighborhood is somewhat isolated by Highway 280 to the north, Highway 101
23 to the east, and John McLaren Park to the south. The area is predominantly characterized by
24 older single family residences. The neighborhood generally is comprised of working and
25 middle class families with a strong sense of community and deep roots in this well established

1 and stable neighborhood. Some refer to the neighborhood as the "Garden District" because
2 of the many greenhouses that historically were abundant in the area.

3 (3) The neighborhood contains various institutional uses, including a concentration of
4 private and public schools that offer elementary, middle, and high school education.

5 (4) The University Mound neighborhood also includes another institutional use, the
6 University Mound Ladies Home (UMLH). In 1884, James Lick established the UMLH with an
7 endowment of \$100,000 to construct a facility in San Francisco for "the aged and needy ladies
8 who are unable to support themselves and who have no resources of their own." This has
9 been translated into UMLH's mission to provide a facility for individuals of modest means.

10 UMLH also has strong ties to the community with substantial interactions between the
11 residents and local neighbors. However, in recent years, the UMLH experienced a financial
12 crisis and is no longer able to operate the facility. Consequently, the UMLH residents have
13 been forced to relocate elsewhere.

14 (5) Given the stability of the neighborhood and the concentration of schools and other
15 institutional uses, changes to this character and the balance of uses in the neighborhood can
16 be very disruptive. On July 10, 2014, the Board's Neighborhood Services and Safety
17 Committee held a public hearing and received testimony and other information indicating that
18 the UMLH property may be the subject of change of use application in the immediate future.
19 As a result of this and other possible changes to institutional property in the University Mound
20 area, this Board intends to place a temporary moratorium on changes to institutional uses in a
21 portion of this neighborhood in order to provide time for the City to determine if permanent
22 zoning changes could be formulated that minimize the disruption associated with such
23 changes of use.

24 (b) **Findings related to imposition of an interim moratorium.**
25

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

9 (2) These controls are intended and designed to deal with and ameliorate the
10 problems and conditions associated with changes to the balance of residential and
11 institutional uses and types of institutional uses in a portion of the RH-1 zoned University
12 Mound neighborhood and to preserve residential neighborhood character by imposing a
13 temporary moratorium on changes to institutional uses.

14 (3) This Board has considered the impact on the public health, safety, peace, and
15 general welfare if the interim controls proposed herein were not imposed.

16 (4) This Board has determined that the public interest will be best served by imposition
17 of these interim controls at this time in order to ensure that the legislative scheme that may be
18 ultimately adopted is not undermined during the planning and legislative process for
19 permanent controls, which process shall be conducted within a reasonable time.

20 (c) Planning Code Section 101.1 Findings.

21 This interim zoning moratorium advances and is consistent with Priority Policy 2 of
22 Planning Code Section 101.1 in that it attempts to conserve and protect existing housing and
23 neighborhood character by preserving the cultural and economic diversity of our
24 neighborhoods with an appropriate balance of institutional uses. With respect to Priority
25

1 Policies 1, 3, 4, 5, 6, 7, and 8, the Board finds that the interim zoning moratorium does not, at
2 this time, have an effect upon these policies, and thus, will not conflict with said policies.

3 (d) Environmental Findings.

4 The Planning Department has determined that the actions contemplated in this
5 Ordinance are in compliance with the California Environmental Quality Act (California Public
6 Resources Code, Sections 21000 et seq.). The Board of Supervisors hereby affirms this
7 determination. A copy of said determination is on file with the Clerk of the Board of
8 Supervisors in File No. 140809 and incorporated herein by reference.

9
10 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
11 Ordinance:

12 (a) Neither the Planning Department nor the Planning Commission shall issue an
13 approval or authorization for any change to an institutional use in the University Mound
14 neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University
15 Street on the east, and Cambridge Street on the west. These controls shall apply to changes
16 in use from an existing institutional use, as defined in Planning Code Section 209.3, to
17 another institutional use or from an institutional use to any other permissible use in the RH-1
18 Zoning District.

19 (b) This interim zoning moratorium shall remain in effect for 45 days unless extended
20 in accordance with California Government Code section 65858 or permanent controls are
21 adopted to address changes in use that better conserve neighborhood character in the
22 identified area, whichever first occurs.

23 (c) If application of this ordinance would have the effect of denying approvals needed
24 for the development of a project with a significant component of multifamily housing, as such
25

1 terms are defined in California Government Code Section 65858, this moratorium shall not
2 apply to that use.

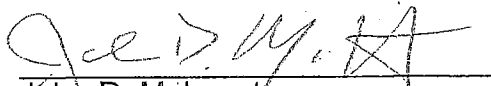
3 (d) Due to the urgency of establishing this interim zoning moratorium and
4 notwithstanding the requirements of Planning Code Section 306.7(g), the Board finds that the
5 standard public notice for Board of Supervisors hearings is adequate to inform the public of
6 any hearing(s) on this legislation.

7
8 Section 3. Within 25 days of the Board's adoption of this ordinance, the Planning
9 Department shall submit to the Clerk of the Board a written report describing the measures
10 taken to alleviate the conditions that led to the adoption of the ordinance. Upon receipt of the
11 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.
12 Said hearing and the action taken thereon shall be no later than 35 days after this ordinance
13 is effective.

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

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

22 By:


23 John D. Malamut
24 Deputy City Attorney

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LEGISLATIVE DIGEST

[Zoning - Interim Moratorium on Change of Institutional Use in a Portion of the University Mound Neighborhood]

Urgency Ordinance approving an interim zoning moratorium on changes of institutional use in a portion of the University Mound neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University Street on the east, and Cambridge 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 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.

Amendments to Current Law

The interim zoning moratorium urgency ordinance would prevent the Planning Department and the Planning Commission from issuing an approval or authorization for any change to an institutional use for 45 days in the University Mound neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University Street on the east, and Cambridge Street on the west. The legislation would apply to changes in use from an existing institutional use, as defined in Planning Code Section 209.3, to another institutional use or from an institutional use to any other permissible use in the RH-1 (Residential Housing, One-Family) Zoning District. The ordinance also adopts various required findings 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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BOARD of SUPERVISORS



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Fax No. 554-5163
TDD/TTY No. 554-5227

July 17, 2014

File No. 140809

John Rahaim
Director
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Director Rahaim:

On July 15, 2014, Supervisor Campos introduced the following proposed legislation:

File No. 140809

Urgency Ordinance approving an interim zoning moratorium on changes of institutional use in a portion of the University Mound neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University Street on the east, and Cambridge 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.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

- c: Scott Sanchez, Zoning Administrator
- Sarah Jones, Environmental Review Officer
- Aaron Starr, Legislative Affairs Manager
- AnMarie Rodgers, Senior Policy Advisor
- Joy Navarrete, Environmental Planning
- Jeanie Poling, Environmental Planning
- Judith Boyajian, Deputy City Attorney

*Not a project under CEQA Guidelines Sec. 15378 and 15060(c)(2) because it does not result in a physical change in the environment.
Sarah Jones 7/17/14
Sarah Jones FRO.*

Introduction Form

By a Member of the Board of Supervisors or the 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 [] 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):

Campos

Subject:

Zoning - Interim Moratorium on Change of Institutional Use in a Portion of the University Mound Neighborhood

The text is listed below or attached:

[]

Signature of Sponsoring Supervisor: Jose Campos

For Clerk's Use Only:

5208B