

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

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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.

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

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

Section 1. Findings.

(a) **General Findings.**

(1) The proposed Central South of Market Plan 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.

(2) The Planning Department and the public are currently engaged in a planning process to develop a comprehensive set of zoning and design controls for this area. As part of that effort, the Planning Department, in April 2013 released a draft report for public review of the Central Corridor Plan, now known as the Central South of Market (SoMa) Plan. Copies 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
25 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 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.

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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
25 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.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: _____
11 John D. Malamut
Deputy City Attorney

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