

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

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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.

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 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.

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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.

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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
23 Deputy City Attorney

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