

LEGISLATIVE DIGEST
(Substituted 5/19/2015)

[Zoning - Interim Moratorium on Certain New Residential Uses and Elimination of Production, Distribution, and Repair Uses in a Portion of the Mission Area Plan of the General Plan]

Urgency Ordinance approving an interim zoning moratorium on the issuance of any permits to demolish, convert, or construct housing projects that result in the gain or loss of 5 or more residential units, or to demolish, convert, or eliminate Production, Distribution, and Repair (PDR), and to create an exception from the moratorium for the issuance of permits for 100% affordable housing projects, and to allow the elimination of PDR uses where necessary to permit 100% affordable housing projects, in a portion of the Mission Area Plan of the General Plan (comprising the area bounded by the north side of Cesar Chavez Street from the east side of Valencia Street to the west side of Potrero Avenue; the west side of Potrero Avenue from the north side of Cesar Chavez Street to the south side of 20th Street; the south side of 20th Street from the west side of Potrero Avenue to the west side of Bryant Street; the west side of Bryant Street from the south side of 20th Street to the south side of U.S. Route 101; the south side of U.S. Route 101 from the west side of Bryant Street to the east side of Valencia Street; the east side of Valencia Street from the south side of U.S. Route 101 to the north side of Cesar Chavez Street); 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.

Amendments to Current Law

The interim zoning moratorium urgency ordinance applies to a defined area of the Mission Area Plan of the General Plan. It would prevent the City from issuing any permits for: (1) any residential demolition in any housing project, resulting in the net loss of five or more residential units; (2) the construction of a housing project that results in the net addition of 5 or more residential units; or (3) any residential conversion resulting in the net loss of five or more residential units. It would also prohibit the City from issuing any permits to demolish, convert,

or eliminate Production, Distribution and Repair (PDR). It creates an exception from the interim zoning moratorium for the issuance of permits for 100% affordable housing projects, as defined, and allows the elimination of PDR uses where necessary to permit 100% affordable housing projects. 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. If adopted, the interim zoning moratorium urgency ordinance will be in effect for 45 days. In order to extend the ordinance, if the effect of the extension would be to deny approvals needed for the development of projects with a significant component of multifamily housing, as defined in State law, under State law the Board of Supervisors must make certain findings including: (1) that the continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety; (2) the interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified; and (3) there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact with a less burdensome or restrictive effect.

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