

1 [Zoning - Interim Moratorium on institutional uses in the Western SoMa.]

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3 **Urgency Ordinance approving an interim zoning moratorium to prohibit the**  
4 **establishment of new institutional uses in the Western SoMa Planning Area Special**  
5 **Use District for 45 days and making required findings, including findings of**  
6 **consistency with the priority policies of Planning Code Section 101.1 and**  
7 **environmental findings.**

8 Note: Additions are single-underline italics Times New Roman;  
9 deletions are ~~strikethrough italics Times New Roman~~.  
10 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Findings.

13 (a) General Findings.

14 (1) San Francisco has a proud tradition of neighborhoods and thriving commercial  
15 districts that reflect the diverse character of the city.

16 (2) The Western SoMa Planning Area Special Use District houses important  
17 production, distribution, and repair ("PDR") services that are a vital part of the San Francisco  
18 and regional economy, including the flower industry. For purposes of this Ordinance, PDR is  
19 defined as set forth in Planning Commission Resolution Number 16727 (2004), a copy of  
20 which is on file with the Clerk of the Board of Supervisors in File No. 071534.

21 (3) For over twenty years, the Academy of Art University, among other institutions,  
22 failed to file the Institutional Master Plan required by Section 304.5 of the Planning Code.

23 (4) Failure to comply with the City's Institutional Master Plan process results in the  
24 avoidance of public scrutiny of institutional expansion into various neighborhoods, including  
25 the South of Market.

1 (5) The Western SoMa Citizens Planning Task Force is developing proposed controls  
2 to protect existing PDR businesses from displacement and establish appropriate uses in the  
3 Western SoMa and is scheduled ~~to release~~ to release their draft plan by January 23, 2008.

4 (b) Findings related to imposition of an interim moratorium.

5 (1) Planning Code Section 306.7 provides for the imposition of interim zoning controls  
6 to accomplish several objectives, including development and conservation of the City's  
7 commerce and industry to maintain the City's economic vitality, provide its citizens with  
8 adequate jobs and business opportunities, and maintain adequate services for its residents,  
9 visitors, businesses, and institutions.

10 (2) These controls are intended and designed to deal with and ameliorate the  
11 problems and conditions associated with the displacement of production, distribution, and  
12 repair PDR uses in certain commercial and industrial-use zones by prohibiting the  
13 establishment of new institutional uses that could displace PDR and other uses traditionally  
14 found in this area.

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

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

21 (c) Planning Code Section 101.1 Findings.

22 This interim zoning moratorium advances and is consistent with Priority Policies 2 and  
23 5 of the Planning Code Section 101.1 in that they attempt to conserve a diverse economic  
24 base and city and regional serving PDR uses. With respect to Priority Policies 1, 3, 4, 6, 7 and  
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1 8, the Board finds that the interim zoning moratorium does not, at this time, have an effect  
2 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.). Said determination is on file with the Clerk of the  
7 Board of Supervisors in File No. 071534 and is incorporated herein by reference.

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

10 (a) No permit shall be issued for the establishment of new institutional uses in the  
11 Western SoMa Planning Area Special Use District, as defined in Ordinance No. 206-06, Clerk  
12 of the Board of Supervisors File No. 060483. This Ordinance is incorporated herein by  
13 reference.

14 (b) This interim moratorium shall remain in effect for 45 days unless extended in  
15 accordance with California Government Code section 65858 or permanent controls are  
16 adopted to address institutional uses in the Western SOMA.

17 Section 3. Within 25 days of the Board's approval of this Ordinance, the Planning  
18 Department shall submit to the Clerk of the Board a written report describing the measures  
19 taken to alleviate the conditions that led to the adoption of the Ordinance. Upon receipt of the  
20 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.  
21 Said hearing and the action taken thereon shall be no later than 35 days after this Ordinance  
22 is finally adopted.

1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By: See original for signature  
4 John D. Malamut  
5 Deputy City Attorney  
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