FILE NO. 070332

[Zoning - Interim Moratorium on Single Room Occupancy developments in Western SoMa Service/Light Industrial zones.]

Urgency Ordinance approving an interim zoning moratorium on Single Room Occupancy (SRO) developments in Western South of Market (SoMa) Service/Light Industrial (SLI) zones for 45 days and making required findings, including environmental findings and a determination of consistency with the priority policies of Planning Code Section 101.1.

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

Section 1. Findings.

Section (a). General Findings.

(1) San Francisco has a proud tradition of service and light industrial businesses that reflect the diverse character of the City.

(2) Light industrial and service businesses are important to maintain the diverse and historic character of the City and Western SoMa neighborhood.

(3) The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms.

(4) Single Room Occupancy (SRO) developments in the City generally, and in Western SoMa specifically, have traditionally been designed to meet the needs of the City’s very low- and low-income residents. Currently, only development of group housing, SRO units and low-income affordable dwelling units are permitted as a conditional use in the SLI
District. Other residential uses are prohibited in SLI Districts in Western SoMa. SROs can be classified as either group housing or dwelling units, depending on their configuration.

(5) While development of SRO units has been permitted as a conditional use, the majority of the new SRO projects built have been market rate and have not furthered their intended purpose of increasing affordable housing in the neighborhood.

(6) Light industrial and service businesses are important means of providing jobs and economic resources for the City.

(7) Since 1997, the City has imposed Industrial Protection Zone (IPZ) controls to control light industrial use displacement.

(8) Many of the remaining neighborhood service and light industrial buildings are threatened with potential closures, conversion or demolition in the near future, including many projects currently in the pipeline.

(9) SRO buildings in an SLI District present serious health and safety concerns due to the proximity of their residents to pollution and noise associated with the commercial uses.

(10) SRO units are not an appropriate use in the SLI District due to the lack of neighborhood serving retail providers.

(11) SLI Districts are generally active and well-used only during daytime working hours. Therefore, SRO units in an SLI District present serious safety issues for the residents of SROs due to the lack of street life at night and the absence of many other residential uses.

(12) The Board has considered alternatives and found no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified by SRO buildings in the Western SoMa SLI District as well or better, with a less burdensome or restrictive effect, than the adoption of this proposed interim ordinance.

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

(2) These controls are intended and designed to deal with and ameliorate the problems and conditions associated with the loss of service and light industrial uses by imposing a temporary moratorium on issuing permits for the demolition and conversion of these businesses to build SRO units.

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

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

Section (c). Planning Code Section 101.1 Findings.

This interim zoning moratorium advances and is consistent with Priority Policies 2 and 5 of Planning Code section 101.1 in that they attempt to preserve the cultural and economic diversity of the Western SoMa Neighborhood and maintain a diverse economic base by protecting the industrial and service sectors in the Western SoMa Neighborhood. With respect to Priority Policies 1, 4, 6, 7, and 8, the Board finds that the interim zoning moratorium does not, at this time, have an effect upon these policies, and thus, will not conflict with said...
policies. With respect to Policy 3, the Board finds that the majority of new SRO developments are market rate and thus any impact on affordable housing will be minor, especially given the limited geographic scope of these interim controls. On balance, these interim controls are consistent with the Priority Policies.

Section (d). Environmental Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. D7033 and is incorporated herein by reference.

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

(a) No permit shall be issued for the construction of a new SRO building in the West SoMa Neighborhood SLI District.

(b) For purposes of this Ordinance, an SRO shall be, as set forth in Planning Code section 890.88(b), "a dwelling unit or group housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room occupancy building (or "SRO" building) is one that contains one or more SRO units and non nonaccessory living space."

(c) For purposes of this Ordinance, an SLI District shall be as set forth in Planning Code section 817, except that SRO buildings shall not be permitted, as per this ordinance.
(d) For purposes of this Ordinance, the Western SoMa Neighborhood shall be as set forth in the Western SoMa Planning Area Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map.

(e) This interim moratorium shall remain in effect for 45 days unless extended in accordance with California Government Code section 65858 or permanent controls are adopted to address permitting of Single Room Occupancy projects in the Western SoMa Neighborhood's SLI District, whichever first occurs.

(f) The Board further finds, based on the above findings and evidence contained in the Board File No. 070332 and presented at public hearings, that, in accordance with California Government Code section 65858:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

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

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

By:
Susan Cleveland-Knowles
Deputy City Attorney
Urgency Ordinance approving an interim zoning moratorium on Single Room Occupancy (SRO) developments in Western South of Market (SoMa) Service/Light Industrial (SLI) zones for 45 days and making required findings, including environmental findings and a determination of consistency with the priority policies of Planning Code Section 101.1.

May 8, 2007 Board of Supervisors — FINALLY PASSED
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew
Excused: 1 - McGoldrick
File No. 070332

I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 8, 2007 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
Interim Clerk of the Board

MAY 18 2007
Date Approved

Mayor Gavin Newsom