



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary For Voters' Initiative: Proposition X Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses

Amended Sections: 202.8 (*New Section*)
Case Number: N/A
Board File No: 160698
Initiated by: Voters' Initiative (Supes. Kim, Peskin, Campos)
Effective Date: Upon Mayor's Signature which is anticipated on
December 21, 2016

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The Voters' Initiative amended the Planning Code by adding Section 202.8 to require Conditional Use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use and to require replacement space.

The Way It Was:

The Planning Code contained various provisions for the conversion of Production, Distribution and Repair (PDR) uses, depending on location. There was no general requirement for Conditional Use authorization for the conversion of an Institutional Community or Arts Activities use. Planning Code Section 202.7 requires the replacement of certain building stock suitable for Industrial Uses in PDR districts.

The Way It Is Now:

Conditional Use Required. The Measure requires Conditional Use Authorization for any loss or conversion of a PDR use of 5,000 square feet; an Institutional Community use of at least 2,500 Square feet; or an Arts Activities use of any size within the SALL, UMU, MUG, MUO, MUR, or SLI districts within the following Plan Areas: Mission; Eastern SoMa, Western SoMa, and, if adopted Central SoMa. In addition to the required findings of Section 303, the Commission shall consider the suitability of the replacement space for the use proposed for conversion.

Replacement Space Required. The Measure requires replacement of any building space on the subject property at the following ratios, based upon the zoning of the property as of July 1, 2016:

- In the SALI District, each 1 sq.ft. of PDR, Institutional Community or Arts Activities = 1 sq.ft. of replacement space
- In UMU, MUO or SLI Districts, each 1 sq.ft. of PDR, Institutional Community or Arts Activities = 0.75 sq.ft. of replacement space
- In MUG or MUR Districts, each 1 sq.ft. of PDR, Institutional Community or Arts Activities = 0.5 sq.ft. of replacement space

Permitted Reductions. Required replacement space may be reduced by the amount needed for building entrances, mechanical equipment, utilities, on-site open space, and bicycle spaces; provided that no reduction shall be permitted for non-car-share vehicle parking spaces.

Interchangeable Uses. Converted PDR or Arts Activities may be replaced by either PDR or Arts. Institutional Community uses may only be replaced by Institutional Community uses.

Applicability. The measure only applies to buildings that are not deemed “unsound;” it does not apply to vacant lots or outdoor areas devoted to those uses (eg vehicle storage, service station). The permanent use of the lot determines applicability. Temporary uses do not negate the requirements of the Measure if the underlying permanent use is a regulated use.

Lower Requirements for Certain Development Agreements. Requirements may be reduced by 0.25 sq.ft. within certain parameters for certain projects subject to a Development Agreement.

Lower Requirements for Certain Existing Applications. Project with an Environmental Evaluation submitted by June 14, 2016, generally have a replacement requirement of 0.4. However, if such a project's environmental document is overturned on appeal, then the replacement requirement reverts to the standard requirements.

Exemptions. The following properties are exempt from this Measure:

- 1) property under the jurisdiction of the Recreation and Park Commission or the Port of San Francisco;
- 2) any parcel zoned “P” (Public) on or after July 1, 2016;
- 3) properties that were in an effective Redevelopment Plan Area as of July 1, 2016;

- 4) any site that converted to a protected use after June 14, 2016;
- 5) any project that was approved by the Planning Department or Commission by June 14, 2016;
- 6) any project that would convert less than 15,000 square feet of PDR, Institutional Community, or Arts Activities uses that submitted an environmental evaluation application to the Planning Department by June 14, 2016;
- 7) any public transportation project;
- 8) any project that receives affordable housing credits associated with retention of affordable units at the South Beach Marina Apartments;
- 9) any project for 100% affordable housing; and
- 10) any property in the Western SoMa Plan Area if the actual use functioning on the property as of September 8, 2014, as determined by the Zoning Administrator, was principally permitted, and not a PDR, Institutional Community, or Arts Activities use, such that a legal conversion of less than 25,0000 could have been approved prior to October 9, 2014.

Future Changes to this Law. The measure states that the Board of Supervisors may adopt an in lieu fee and/or off-site replacement provisions to meet the replacement requirements. The fee would be used for the preservation and rehabilitation of existing PDR, Institutional Community, and Arts Activities uses.

The measure provides that the Board of Supervisors may amend the measure at any time by a two-thirds (2/3) vote of all its members.

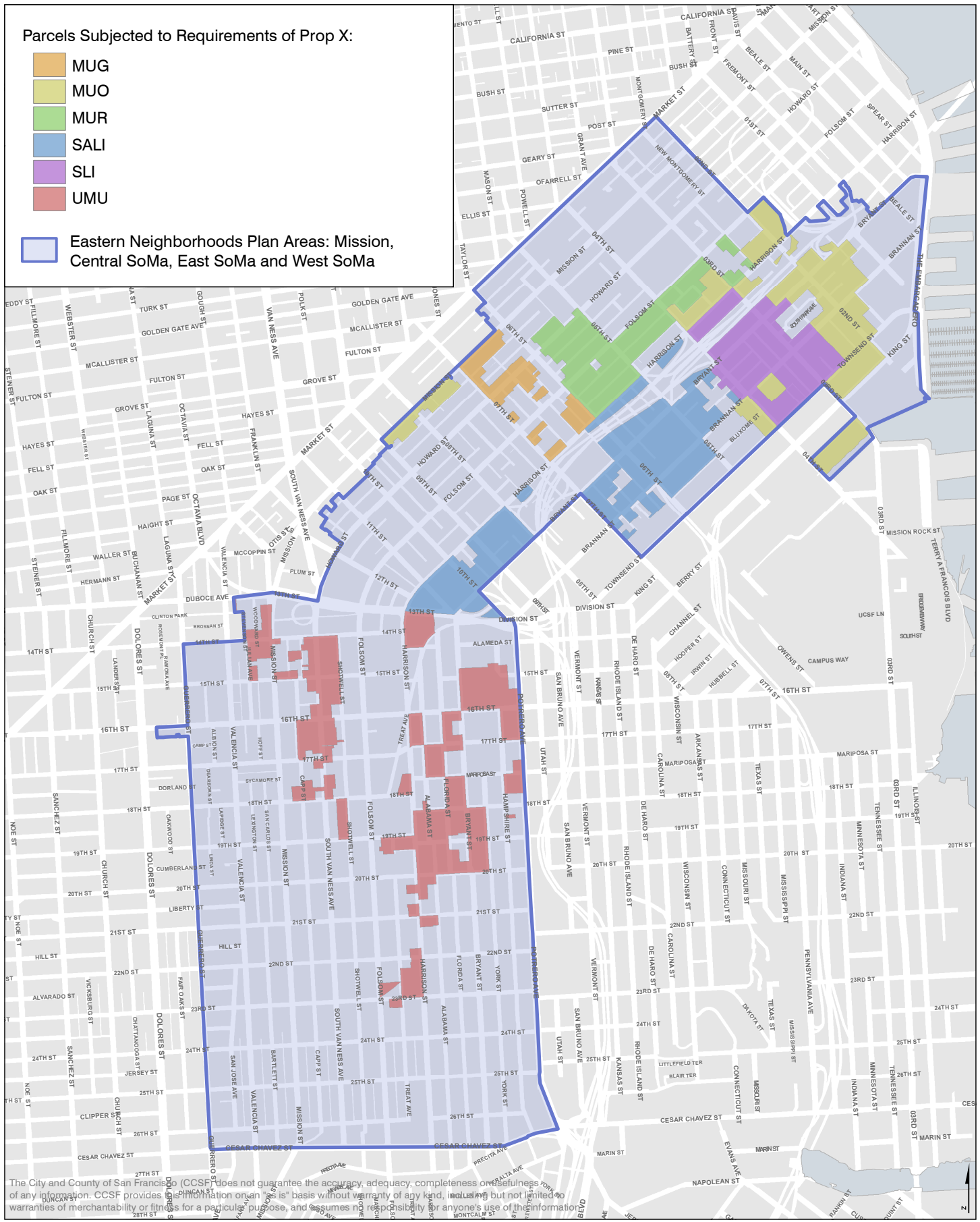
Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=4612551&GUID=5DDBE5E1-8128-4BAB-A702-FE21952DE281>

Attachment:

Map of Affected Parcels

Proposition X: Requiring CU & Replacement of Certain PDR, Institutional Community & Arts Activity Uses



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