



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Mission 2015 Interim Controls

HEARING DATE: JULY 23, 2015

Project Name: Mission 2015 Interim Controls related to the Mission Action Plan 2020
Case No.: 2015-000988CWP
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Recommendation: **No Action: Informational Hearing on Mission 2015 Interim Controls**

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On July 9, 2015 the Planning Commission adopted a Resolution to Initiate Interim Controls in the Mission District. Subsequent to the Commission's July 9th initiation action, notice of the approval hearing was published, as required by the Planning Code.

The proposed controls are the subject of today's informational hearing. This case report includes the following information: 1) a high level summary of key comments received on the interim controls; and 2) some alternatives to the proposal, as requested by the Commissioners and the public, for consideration and review by the Commission.

INTERIM CONTROLS

Per Planning Code Section 306.7, interim zoning controls may be imposed by either the Planning Commission or the Board of Supervisors during or preceding a period of study when it is necessary "to ensure that the legislative scheme which may be ultimately adopted is not undermined during the planning and legislative process by the approval or issuance of permits authorizing the alteration, construction or demolition of buildings or the establishment or change of uses which will conflict with that scheme". The area proposed for interim controls has the following boundaries (See map in Exhibit A): 13th and Division Streets to Mission Street, to Cesar Chavez Street, to Potrero Avenue, and back to 13th and Division Streets—except that the Mission Street boundary would include any parcel with a property line on either side of Mission Street. This proposal would enact interim controls for a period of six months. By law, interim controls cannot be more permissive and may only be more restrictive.

The Mission 2015 Interim Controls (hereinafter "Interim Controls") are intended to afford time to the Department staff to analyze affordable housing needs, assess sites for affordable housing production, and stem the loss of existing income protected units while maintaining PDR capacity in PDR zoned lands and preserving vital community resources. More specifically, the interim controls would allow time for the City to determine if permanent zoning changes could be formulated to accelerate affordable housing goals and for the Mission Action Plan 2020 process to complete a package of comprehensive, permanent solutions.

The Way It Is Now:

Proposed projects in the Mission District are reviewed under the existing requirements of the Planning Code.

The Way It Would Be:

During this interim period, 100% affordable housing would continue to be permitted under the existing requirements of the Planning Code; while additional review would be applied to certain other housing, large retail, and office projects through a Conditional Use authorization process described below. New Conditional Use requirements would be established for projects which result in any of the following:

- 1) The loss of more than one rent-controlled dwelling unit; or
- 2) The production of five or more dwelling units; or
- 3) Demolition or conversion of certain community and arts uses.

The table below provides the current proposal, summary of comments received and alternatives to the proposed controls.

Overarching comments:

- If intent is to affirm the importance of the crisis & discuss affordability at the Commission, this has been done.
- Proposal is only meaningful if it captures more projects.
- What is the impact on large vs. smaller projects?
- Is the time still right? Sought quick action. Now earliest is 8/6 (Director & Rodgers out).
- Should Interim Controls require project by project discussion of affordability/community services? Or should it be ad hoc?
- Not much comment on the specifics of the controls other than economic study.

Proposal	Comments	Alternatives (-) less restrictive (+) more restrictive
I. BOUNDARIES. The area proposed for interim controls is generally defined by the following boundaries: 13 th and Division Streets to Mission Street, to Cesar Chavez Avenue, to Potrero Avenue, and back to 13 th and Division Streets—except that the Mission Street boundary would include any parcel with a property line on either side of Mission Street.	A few members of the public asked why the entire district was not captured.	(-) The boundary can be made smaller at any time. (+) The boundary can be made larger with a new 9-day notification in the newspaper.
II. DURATION. The interim controls shall be in effect for six months.	Some members of the public stated they should be longer.	(+)The maximum length of time legally allowed for interim controls to be initially established is up to 18 months.

Proposal	Comments	Alternatives (-) less restrictive (+) more restrictive
	Some stated there should be no controls.	(-) Interim controls could be in place for a shorter period.
<p>III. INTENT. Added scrutiny / raised expectations / increased and intentional deliberation on affordability.</p> <p>Afford time to analyze affordable housing needs. Assess sites for affordable housing production. Stem the loss of existing income protected units while maintaining PDR capacity in PDR zone</p>	<p>Some felt a lack of clarity about intent.</p> <p>Some felt it is insincere because it only captures a few projects and it may compete with the ballot initiative.</p> <p>Some felt that interim controls could slow housing production during a housing crisis and that this would be the wrong approach.</p> <p>Note: The Commission stated a belief there is a crisis and is the Commission should act.</p>	<p>(-) Could not do interim controls at all.</p> <p>(-/+) Could wait & apply interim controls after results of the ballot initiative are known.</p>
<p>IV. CONTROLS. In sum, the Interim Controls would create a new CU for a) loss of 1+ dwelling unit; b) creation of 5+ dwelling unit; and c) loss of certain other uses.</p>	<p>In sum, while some requested a complete moratorium and adjustments to the economic study, there were no requests for other specific controls.</p>	
<p>a) Loss of >1 Dwelling Unit</p>		
<p>i. If the project proposes to construct new rental units, the project shall replace the lost rent-controlled units 1:1 with new rent-controlled units. (Above & beyond BMR units required under Planning Code Section 415.)</p>	<p>Can only require replacement in new rental (not condo) projects.</p>	<p>(+) could apply it to projects that remove 1 or more rent-controlled units (non-vacant uses)</p>
<p>ii. must meet a majority of certain Section 317(d)(3)(C) criteria¹</p>		

Proposal	Comments	Alternatives (-) less restrictive (+) more restrictive
b) Creation of 5+ Dwelling Unit. Shall discuss the affordability by answering 4 criteria.		
i. Is project 100% affordable?		(+/-) Instead of being criteria for discussion, 100% affordable projects are exempt from the controls.
ii. Does project meets or exceeds the San Francisco RHNA targets for the production of low housing income categories within the project (at least 40% Very Low & low income and no more than 45% Above Moderate)?	Some felt important to state these projects would require City subsidy, wouldn't happen on their own.	(+/-) Instead of being criteria for discussion, projects meeting RHNA targets on-site could be exempted from the controls.
iii. Displacement study. The study shall show the degree to which the proposed new housing increases or decreases the economic pressures that underlie the shifting demographic characteristics of the Mission District. Among other issues, the study must analyze how the project may affect the cost of nearby housing and property values, the number of units available to lower-income groups, and the likely demographics of the project's new residents, and must project associated changes to commercial and community uses within the neighborhood that may result given these changes.	Some felt this was overly cumbersome & time-consuming and wanted further clarity on the scope. Some asked if staff would evaluate the study or just provide a non-vetted study to the commission. City would have to supervise the study in order to use a City list of economic consultants. (Note: in part, the requirement was developed to create a deliberate dialogue at the hearing. Not intended to be a quick set of findings.)	(-) Can allow upcoming Controller's study for the analysis. The Controller's study is expected to address the impact of market-rate development on nearby property values, number of affordable units, and the income mix of the neighborhood (relative to not building market-rate housing). Project sponsors could then make findings extrapolated from Controller's study to address these considerations. Study would inform the Commission's decision and their affordable housing act findings.
iv. Estimate Housing Balance within the area of the interim controls and whether the anticipated net housing construction would result in 33% or greater levels of affordability as described in Planning Code Section 103(c)(1). ²	Planning Department would track the housing balance.	(+/-) This is a new section to the proposal.

Proposal	Comments	Alternatives (-) less restrictive (+) more restrictive
<p>c) If demo Assembly, Recreation, Arts and Entertainment or Institutional uses³ or establish more than 20,000 new square feet of retail use⁴ or office type⁵ uses or Institutional Healthcare⁶ uses in any zoning district; the Commission shall consider</p>	<p>Does not include PDR uses other than the Arts and Entertainment and some Institutional uses.</p>	<p>(+) Could include other PDR uses in any of the following PDR use categories (see table of PDR uses allowed in in PDR-1 and PDR-D districts in Exhibit C):</p> <ul style="list-style-type: none"> ➤ Commercial Uses ➤ Agricultural Uses ➤ Automotive Uses ➤ Entertainment and Recreation Use ➤ Industrial ➤ Institutional ➤ Sales and Service ➤ Utility and Infrastructure ➤
<p>i. Lost use type: does sufficient available space for the use type still exist in the surrounding neighborhood?</p>		
<p>ii. Lost business. Have tenants have been provided with relocation benefits according to the standards of the Uniform Relocation Act and have negative impacts of displacement of any existing tenants from the building are minimized?</p>	<p>(Note: can't require relocation, instead this is a consideration)</p>	
<p>iii. Analyze the benefit & cost of the lost/relocated use with the new use. Include comparisons of: A) permanent job creation and/or job retention in the community B) associated wages and benefits C) changes in access for all income level to community-serving uses such as arts, nonprofit services and childcare D) changes in sense of community through the amount of spaces for community gatherings accessible to all income levels.</p>		

Proposal	Comments	Alternatives (-) less restrictive (+) more restrictive
<p>V. APPLICATION. Include all projects that filed an initial application for building permit or environmental application after January 1, 2015.</p>	<p>Most disputed subject. Currently it only captures 2 projects with 58 units.</p> <p>Some felt PPAs should constitute an official application.</p> <p>Some felt it should include the entire pipeline.</p> <p>Some felt it should only capture projects that file after effective date of controls.</p> <p>Some felt it could apply to larger projects or projects actually displacing an existing use.</p>	<p>(+) Include all projects for length of controls (6 months), or include projects filed after January 1, 2013 (there are no projects filed between 2010-2012)</p> <p>(-) Exclude PPA applications</p> <p>(-) Exclude projects which are built on a vacant lot or have no existing uses (buildings vacant for a minimum of 1 year).</p> <p>(+) Include all projects with 20+ units (would capture 5 projects & 429 units and would exempt 1 project with 6 units); or projects with 40+ units (sites large enough for 100% affordable housing. This would capture 3 projects & 380 units); or</p> <p>(-) Include projects that involve a net addition or new construction of more than 25,000 gross square feet; or</p> <p>(-) Include projects that are proposed to be greater than 50 feet in height (whether through a vertical addition or new construction); and</p> <p>(-) Apply full interim controls to larger projects but for smaller projects, reduce or eliminate study requirements; or</p>

Proposal	Comments	Alternatives (-) less restrictive (+) more restrictive
		(-) For smaller projects only trigger the interim controls or a Discretionary Review if removing existing tenants or/and uses.

To assist the public and the Commissioners in understanding which proposed projects may be subject to the Interim Controls, see the map in Exhibit A and the list in Exhibit B.

REQUIRED COMMISSION ACTION

Informational hearing only – provide staff with direction on desired changes.

RECOMMENDATION: Informational Only

Attachments:

- Exhibit A: Map of Proposed Area for the Interim Controls
- Exhibit B: Pipeline Project List
- Exhibit C: Planning Code Article 2 Table 210.3 Zoning Controls for PDR Districts

¹ i) the property is free of a history of serious, continuing Code violations; (ii) the housing has been maintained in a decent, safe, and sanitary condition; (iv) if the project is a “historical resource” under CEQA, that the removal of the resource will not have a substantial adverse impact under CEQA; (v) that the project does not convert rental housing to other forms of tenure or occupancy. (vii) the project conserves existing housing to preserve cultural and economic neighborhood diversity; (viii) the project conserves neighborhood character to preserve neighborhood cultural and economic diversity; (ix) that the project protects the relative affordability of existing housing; (x) the project increases the number of permanently affordable units as governed by Section 415; (xi) the project locates in-fill housing on appropriate sites in established neighborhoods; (xii) the project increases the number of family-sized units on-site; (xiv) the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character; (xv) the project increases the number of on-site dwelling units; (xvi) the project increases the number of on-site bedrooms.

² This calculation shall include the proposed project, the Planning Department’s current pipeline report, and may include pending projects under the purview of Mayor’s Office of Housing and Community Development where the land has been acquired.

³ As defined for each use respectively in the Planning Code: Arts Activity Section 102, Amusement Arcade 790.4 and 890.4, Movie Theater 102, 790.64 and 890.64, Community Facility 102, 790.50, 890.50; Child Care Facility 102, 790.50, 790.51, 890.50 (b); Entertainment General & Other 102, 790.4, 890.4, 790.38, 890.37; Nighttime Entertainment, 102, 790.38, 890.37; Recreation Building 843.62; Educational Services 790.50 (c) and 890.50(c), Religious Institution or Facility 102, 790.50(d), 890.50(a&d); Entertainment, other 890.37; Entertainment, General, 102; Entertainment, Arts and Recreation Uses, 102; and Institution, other (Job Training) 890.50(f).

⁴ As defined in Planning Code Section 102 as Retail Use.

⁵ As defined in the Planning Code to include but not be limited to the following: Office Use: 102, 790.68, 890.70; Service, Business: 890.111 and to include but not be limited to the following definitions from Planning Code Section 102: Design Professional, Non-Retail Professional Service, Business Services, and Fringe Financial Service.

⁶ To include but not be limited to the definition of Health Service Use in Planning Code Section 102.



Mission District
SAN FRANCISCO

Pipeline projects that meet interim control criteria

- ▭ Neighborhood Boundary
- ▭ Interim Control Boundary
- ▭ Pipeline Projects That Meet Interim Control Criteria

0.5 Miles



PROJECTS THAT MAY BE CONSIDERED FOR APPROVAL WITHIN SIX MONTHS AND THEIR ESTIMATED FILED DATE				
		Dwelling Units		
Project Address(es)	Estimated Planning Department file date	Grandfathered under Proposal (Interim Controls NOT Applicable)	Interim Controls Applicable (filed after 1/1/15)	Grand Total
1801 & 1863 MISSION ST	10/23/2009	54		54
2100 MISSION ST	09/21/2009	29		29
2070 BRYANT ST	09/25/2013	274		274
1800 MISSION STREET	05/12/2014	0 (office)		0
2600 HARRISON ST	06/20/2014	20		20
854 CAPP ST	2/12/2015		6	6
3314 CESAR CHAVEZ	2/25/2015		52	52
Units Grand Total		377	58	435
PROJECTS THAT MAY BE CONSIDERED FOR APPROVAL AFTER SIX MONTHS AND THEIR ESTIMATED FILED DATE				
		Dwelling Units		
Project Address(es)	Estimated Planning Department file date	Grandfathered under Proposal (Interim Controls NOT Applicable)	Interim Controls Applicable if extended past 6 months (filed after 1/1/15)	Grand Total
1979 MISSION ST	12/17/2013	331		331
1515 SOUTH VAN NESS AV	12/03/2014	160		160
1900 MISSION ST	02/11/2014	9		9
2750 19TH ST	11/13/2014	60		60
2675 FOLSOM ST (970 TREAT AV)	1/10/2015		117	117
1726 - 1730 MISSION ST	02/06/2015		36	36
2918 MISSION ST	6/30/2015		38	38
2799 24TH ST	02/02/2015		8	8
2435-2445 16TH ST	02/04/2015		53	53
793 SOUTH VAN NESS AVE	02/06/2015		54	54
953 TREAT AVE	5/25/2015 (PPA)		9	9
Units Grand Total		560	384	875

PROJECTS OUTSIDE OF THE PROPOSED INTERIM CONTROLS BOUNDARY	
	Dwelling Units
Project Address(es)	Grand Total
645 VALENCIA ST	9
198 VALENCIA ST	28
1278-1298 VALENCIA ST	35
1198 VALENCIA ST	54
344 14TH ST (1463 STEVENSON ST) – this project falls outside the proposed boundary. It was incorrectly listed within the boundary previously.	69
Units Grand Total	195

Note: The only PDR that is allowed in the Mission (in the PDR zoned districts) are those listed under PDR-1-D and PDR-1-G (the highlighted columns) as P (permitted) in the table below. There may be other PDR that is allowed in other zoning districts but it's generally less intensive than the most intensive uses (industrial, auto repair) allowed in PDR zones.

Table 210.3
ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
Commercial Use Characteristics					
Drive-up Facility	§ 102	P	P	P	P
Formula Retail	§§ 102, 303.1, 786	P (17)	P	P	P (17)
Open Air Sales	§ 102	P	P	P	P
Outdoor Activity Area	§ 102	P	P	P	P
Small Enterprise Workspace	§§ 102, 202.2(g)	NP	P	P	NP
Walk-up Facility	§ 102	P	P	P	P
Waterborne Commerce	§ 102	NP	NP	NP	P
Agricultural Use Category					
Agricultural Uses*	§§ 102, 202.2(c)	P	P	P	P
Automotive Use Category					
Automotive Uses*	§ 102	NP	P	P	P
Automotive Repair	§ 102	P (3)	P	P	P
Automotive Sale/Rental	§ 102	P	P (4)	P	P
Automotive Service Station	§§ 102, 202.2(b)	P	P	P	P
Automotive Wash	§§ 102, 202.2(b)	P	P	P	P
Gas Station	§§ 102, 187.1, 202.2(b), 228	P	P	P	P
Parking Garage, Private	§ 102	C	C	C	C
Parking Garage, Public	§ 102	C	C	C	C
Parking Lot, Private	§§ 102, 142, 156	C	NP	C	C
Parking Lot, Public	§§ 102, 142, 156	C	NP	C	C
Service, Motor Vehicle Tow	§ 102	P	P	P	P
Entertainment and Recreation Use Category					
Entertainment and Recreation Uses*	§ 102	P	P	P	P
Entertainment, General	§ 102	P (5)	P	P	P
Entertainment, Nighttime	§ 102	P (5)	P	P	P
Entertainment, Outdoor	§ 102	NP	P	P	P
Livery Stable	§ 102	NP	P	P	P
Movie Theater	§§ 102, 202.4	P (6)	P (6)	P (6)	P (6)
Sports Stadium	§ 102	NP	C	C	C
Industrial Use Category					
Auto Wrecking	§§ 102, 202.2(d)	NP	NP	NP	C
Automobile Assembly	§§ 102, 202.2(d)	NP	C	C	P
Food Fiber and Beverage	§§ 102, 202.2(d)	NP	P	P	P

Processing 1					
Food Fiber and Beverage Processing 2	§§ 102, 202.2(d)	NP	C	C	C
Grain Elevator	§§ 102, 202.2(d)	NP	P	NP	P
Hazardous Waste Facility	§§ 102, 202.2(d)	NP	NP	NP	C
Junkyard	§§ 102, 202.2(d)	NP	NP	NP	P
Livestock Processing 1	§§ 102, 202.2(d)	NP	NP	NP	C
Livestock Processing 2	§§ 102, 202.2(d)	NP	NP	NP	NP
Manufacturing 1, Heavy	§§ 102, 202.2(d)	NP	C	C	C
Manufacturing 2, Heavy	§§ 102, 202.2(d)	NP	NP	C	C
Manufacturing 3, Heavy	§§ 102, 202.2(d)	NP	NP	NP	C
Manufacturing, Light	§§ 102, 202.2(d)	P (5)	P	P	P
Ship Yard	§§ 102, 202.2(d)	NP	NP	NP	C
Metal Workshop	§§ 102, 202.2(d)	NP	P	P	P
Storage Yard	§§ 102, 202.2(d)	P (5)	P	P	P
Storage, Volatile Materials	§§ 102, 202.2(d)	NP	NP	NP	C
Truck Terminal	§§ 102, 202.2(d)	NP	P	P	P
<i>Institutional Use Category</i>					
Child Care Facility	§ 102	NP	P	NP	NP
Community Facility	§ 102	P	P	P	P
Community Facility, Private	§ 102	P	P	P	P
Hospital	§ 102	NP	NP	NP	NP
Job Training	§ 102	P (7)	P (7)	P (7)	P (7)
Medical Cannabis Dispensary	§§ 102, 202.2(e)	NP	NP	NP	NP
Philanthropic Admin. Services	§ 102	NP	NP	NP	NP
Post-Secondary Ed. Institution	§ 102	P (7)	P (7)	NP	NP
Public Facilities	§ 102	C	C	C	C
Religious Institution	§ 102	P (7)	P (7)	P (7)	P (7)
Residential Care	§ 102	NP	NP	NP	NP
School	§ 102	P (7)	P (7)	NP	NP
Social Service or Philanthropic Facility	§ 102	P (5)	P (8)	P (8)	P (5)
Trade School	§ 102	P (7)	P (7)	P (7)	P (7)
<i>Sales and Service Category</i>					
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P (1)	P (10)	P (9)	P (1)
Adult Business	§ 102	NP	P	P	P
Animal Hospital	§ 102	P	P	P	P
Cat Boarding	§ 102	P	P	P	P
Grocery Store, General	§§ 102, 202.3	P (1)	P (13)	P (12)	P (1)
Gym	§ 102	P (1)	P (13)	P (12)	P (1)
Hotel	§ 102	NP	NP	NP	NP
Kennel	§ 102	NP	P	P	P
Massage Establishment	§ 102	C	C	C	C
Massage, Foot/Chair	§ 102	P	P	P	P
Mortuary	§ 102	P	NP	P	P
Motel	§§ 102, 202.2(a)	NP	NP	NP	NP

Services, Health	§ 102	P (3)	P (8)	P (8)	P (5)
Storage, Self	§ 102	NP	NP	NP	NP
Trade Shop	§ 102	P (11)	P	P	P
Non-Retail Sales and Service*	§ 102	P (2)	P (14)	P (14)	P (2)
Catering	§ 102	P (5)	P	P	P
Laboratory	§ 102	P (16)	P	P	P
Life Science	§ 102	NP	NP	NP	NP
Services, Business	§ 102	P	P	P	P
Storage, Commercial	§ 102	P (5)	P	P	P
Storage, Wholesale	§ 102	P (5)	P	P	P
Trade Office	§ 102	P	P	P	P
Wholesale Sales	§ 102	P (5)	P	P	P
Utility and Infrastructure Use Category					
Community Recycling Center	§ 102	NP	NP	P	P
Internet Service Exchange	§ 102	C	C	C	C
Power Plant	§ 102	NP	NP	C	C
Public Transportation Facility	§ 102	NP	C	C	C
Public Utilities Yard	§ 102	P (5)	P	P	P
Utility Installation	§ 102	C	P	P	P
Wireless Telecommunication Services Facility	§ 102	C	P (15)	P (15)	P (15)

* Not listed below.

- (1) See Chart 210.3A.
- (2) See Chart 210.3A.
- (3) NP above 7,500 Gross Square Feet.
- (4) Required to be in an enclosed building, NP if operated on open lot.
- (5) NP above 5,000 Gross Square Feet.
- (6) More than 3 screens NP.
- (7) NP above 20,000 Gross Square Feet. Housing is not permitted.
- (8) C if above 5,000 Gross Square Feet.
- (9) In this District, all uses with this reference number are limited to a cumulative total of 2,500 Gross Square Feet per lot.
- (10) In this District, all uses with this reference number are limited to a cumulative total of 5,000 Gross Square Feet per lot.
- (11) Printing shop and newspaper publication limited to 5,000 Gross Square Feet.
- (12) C required if larger than 2,500 Gross Square Feet per lot; Gyms greater than 2,500 Gross Square Feet must include equipment and space for weightlifting and cardiovascular activities.
- (13) C required if larger than 5,000 Gross Square Feet per lot; Gyms greater than 5,000 Gross Square Feet must include equipment and space for weightlifting and cardiovascular activities.
- (14) NP unless in a designated landmark; P in a designated landmark.
- (15) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1,000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in § 102 for more information.
- (16) NP Above 2,500 Gross Square Feet.
- (17) C required for properties within the Third Street Formula Retail Restricted Use District (§ 786), which includes properties fronting Third Street between Williams Avenue and Paul Street.