

Prohibition on Specified Educational Services in Western SoMa

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. 17558

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 823 TO PROHIBIT EDUCATIONAL INSTITUTIONS AS DEFINED IN SECTION 890.50(C) IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

WHEREAS, on January 29, 2008 Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 08-0156 which would amend Planning Code Section 823 to prohibit educational institutions as defined in Section 890.50(c) in the Western SoMa Planning Area Special Use District.

The proposed zoning changes have been determined to be subject to a General Rule Exclusion (GRE) under CEQA Guidelines Section 15061(b)(3).

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 21, 2008.

On December 18, 2007, an Interim Moratorium on Institutional Uses became effective, thus prohibiting the establishment of new institutional uses within the Western SoMa Planning Area Special Use District for a period of forty-five (45) days. The findings for this moratorium included the following:

- 1) San Francisco has a proud tradition of neighborhoods and thriving commercial districts that reflect the diverse character of the city;
- 2) The Western SoMa Planning Area Special Use District houses important production, distribution, and repair (PDR) services that are a vital part of the San Francisco and regional economy, including the flower industry;
- 3) For over twenty years, the Academy of Art University, among other institutions, failed to file the Institutional Master Plan required by Section 304.5 of the Planning Code.
- 4) Failure to comply with the City's Institutional Master Plan process results in the avoidance of public scrutiny of institutional expansion into various neighborhoods, including the South of Market.
- 5) The Western SoMa Citizens Planning Task Force is developing proposed controls to protect existing PDR businesses from displacement and establish appropriate uses in the Western SoMa and is scheduled to release their draft plan by January 23, 2008.

This first set of Interim Moratorium controls were "intended and designed to deal with and ameliorate the problems and conditions associated with the displacement of PDR uses in certain commercial and industrial-use zones by prohibiting the establishment of new institutional uses that could displace PDR and other uses traditionally found in this area." These controls were to remain in effect for forty-five (45) days unless extended by the Board of Supervisors or until permanent controls are adopted.

On January 29, 2008 the Board of Supervisors passed an extension of the Interim Moratorium on Institutional uses in Western SoMa. The Mayor signed this legislation on January 31, 2008, creating Ordinance 011-08. This Extension further specified that the Ordinance applied to a smaller subset of institutions—only those institutions subject to the Institutional Master Plan Requirements of Planning Code Section 304.5. This Extension is in effect for 22 additional months and 15 days (or a total of 2 years since the original ordinance) or until permanent controls are adopted.

In sum, the Commission recommends approval of the proposed Ordinance to Prohibit Specified Educational Services in Western SoMa.

The proposed amendments to the Planning Code are consistent with the General Plan.

Policy 7.3 of the Commerce and Industry Element of the General Plan promotes the provision of adequate health and educational services to all geographical districts and cultural groups in the city, thereby helping to achieve the goals of the public health program in San Francisco; and

Text under Objective 7 of the Commerce and Industry Element of the General Plan states "Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to local residents, it is important to preserve the vitality of this sector. However, future growth must be managed to achieve equitable distribution of benefits to all geographical and cultural sub-populations of the city and to minimize associated adverse effects on surrounding areas."

POLICY 1.3 of the Commerce and Industry Element of the General Plan states "Locate commercial and industrial activities according to a generalized commercial and industrial land use plan."

The proposed amendments to the Planning Code are consistent with Section 101.1(b) of the Planning Code in that:

1. The proposed prohibition on educational institutions would preserve and promote neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses by reducing displacement pressures that could be generated by large educational institutions which have not properly complied with the Institutional Master Plan Requirements.
2. The proposed legislation would allow for the continued presence and economic viability of existing neighborhood establishments while not negatively affecting existing residential development, housing or neighborhood character.
3. The City's supply of affordable housing would be unaffected by the proposed Code amendments, which are aimed primarily toward educational institutions.
4. The proposed would not negatively impact commuter traffic, MUNI transit service, or streets and neighborhood parking in San Francisco.
5. The proposed Ordinance will protect the industrial and service sector from some displacement and promote future opportunities for resident employment and ownership in these sectors.
6. Preparedness against injury and loss of life in an earthquake would be unaffected by the proposed amendments.
7. Landmarks and historic buildings may be unaffected by the proposed Ordinance.

8. Parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance.

NOW THEREFORE BE IT RESOLVED NOW THEREFORE BE IT RESOLVED that This Ordinance and companion legislation in the Clerk of the Board of Supervisors File No 080157 concerning educational institutions are intended to serve as the permanent control to address the above-mentioned issues, and therefore, upon this Ordinance being final and effective, the interim zoning moratorium set forth in Ordinance 011-08 shall be repealed; and

THEREFORE BE IT FURTHER RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting February 21, 2008.

Linda Avery
Commission Secretary

AYES: Olague, Antonini, S. Lee, W. Lee, Moore, Sugaya

NOES:

ABSENT:

ADOPTED: February 21, 2008