



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission INFORMATIONAL ITEM

HEARING DATE: JULY 1, 2010

Date: June 24, 2010
To: Members, Planning Commission
From: John Rahaim, Director
Scott Sanchez, Acting Zoning Administrator
Staff Contact: Christine Haw (415) 558- 6618
christine.haw@sfgov.org
Re: **Progress Report on the Academy of Art University (AAU)
Enforcement Program**
Recommendation: No action needed

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

On February 8, 2010 the Planning Department sent a letter to the Academy of Art University (AAU) addressing concerns of the Planning Commission and staff on the AAU's lack of compliance with Planning Code requirements.

The letter detailed an enforcement strategy to complete the environmental review and to address outstanding violations. The letter detailed specific time deadlines for the submittal of information needed to complete a scope of work for the Environmental Impact Report (EIR). The Academy of Art was informed that the Planning Department may issue Enforcement Notifications and Notices of Violations and Penalties on the additional properties recently acquired and in current use by AAU beyond those identified in the Institutional Master Plan (IMP) and the EIR. The Planning Department reinforced the need for compliance with signage requirements and removal of unpermitted signs.

Since the letter was sent, substantial progress has been made towards compliance.

- a. The Planning Department has convened a Coordinated Interdepartmental Task Force to inspect all 38 AAU properties.
- b. Thirty five signs have been removed and documented with a sign removal permit.
- c. All outstanding Environmental and transportation information has been submitted for the preparation of the EIR and with that we have been able to produce a project description and a new timeline for the completion of the EIR.
- d. We have issued Enforcement Notifications and Notice of Violations and Penalties for three of the four more recently acquired, post-EIR properties. The Department has determined that it will not take enforcement action on newly acquired buildings when a change of use is not required.

COORDINATED INTERDEPARTMENTAL TASK FORCE:

The Planning Department organized a Coordinated Interdepartmental Task Force to inspect all AAU properties with representatives from Fire, City Attorney, Public Health, Department of Building Inspection's Code Enforcement, Housing, Electrical and Plumbing Divisions and Planning.

Our inspection program includes all AAU properties, academic, administrative and residential buildings. The inspections are conducted floor by floor of each building. Since twenty-four of the AAU's thirty-eight buildings have underlying use issues, Planning is inspecting the buildings for use issues while the other departments are inspecting the properties for compliance with their respective codes and unpermitted work. We have received outstanding assistance and cooperation from all our interdepartmental colleagues, and in particular the Department of Building Inspection.

An ambitious inspection program was developed to inspect all buildings by the end of summer and to minimize disruption to the students. The inspection program commenced in March 2010 and we are actually ahead of schedule with an expected completion date of having all buildings inspected by July 13th. As of today, all but seven buildings have been inspected.

Notices of Violations and Correction Notices have been issued by the respective departments on many of the buildings. Permits to address code violations have been submitted for the first four buildings that were inspected. We have been able to approve three permits for life safety improvements only. These life safety improvements include fire alarms, sprinklers, walls around stairways and elevator shafts, and exiting improvements. These permits prohibit any change of use, which we cannot do until the EIR is complete.

SIGNAGE

The Department has received building permits for removal of over 35 signs within the City of San Francisco. Included in these 35 signs are projection signs, wall signs (both electric and painted), window signs, awnings, and canopy signs. The AAU is cooperating with Planning staff to establish a complete sign survey for the institution. The AAU has stated that they will continue to remove unpermitted signs at the various campus buildings. The Department is requiring a building permit for removal of each unpermitted sign at each property and for each type of sign. The Planning Code Enforcement fee of \$1080.00 has been added to each permit for removal, in addition to the standard Building and Planning fees.

ENVIRONMENTAL REVIEW

At the time our Department sent the February 8, 2010 letter, we had not yet received adequate information to complete the project description and to understand the existing conditions in order to assess potential future impacts. In response, AAU has compiled extensive information on its existing facilities and operations, including shuttle bus operations.

A Phase I Transportation Management Plan (TMP) was completed in Fall 2009. At the time, the Academy Shuttle System consisted of 31 vehicles running on 31 routes. Based on the TMP data that was

Progress Report on the Academy of Art University (AAU) Enforcement Program
Hearing Date: July 1, 2010

generated, including peak hours and load factors, the Academy has now consolidated the 31 routes to seven routes and reduced the number of shuttle runs from 31 to 15.

The documentation of existing conditions and environmental assessment is now underway. The Transportation Impact Study (TIS) Scope of Work has been finalized and work on the study has begun. To date, efforts have been focused on data collection, which has included turn volumes for 72 intersections; updated transit data from MUNI; additional load factor data for the AAU shuttle buses; travel data for the AAU faculty, staff and students; and a preliminary list of intersections to collect bicycle counts; and meetings with MTA staff regarding freight loading data.

The EIR accommodates future growth by the inclusion of 17 study areas, allowing future acquisition and use within those study areas. These future areas of potential growth have been geographically defined (see attached) as have the quantified uses that would occur in these areas. These study areas will be used to assess the cumulative impact of future growth by the Academy through the year 2020.

Sixteen of the 17 study areas have been visited and existing conditions have been documented for the EIR and the TIS. A project description and shortened project description (to be included in the Notice of Preparation) and two transportation memoranda have been submitted to the Planning Department. Geographic Information Systems (GIS) overlay maps have been created for environmental hazards, sensitive resources, and existing land use designations including special land use areas, special sign areas and zoning designations.

At this time, all required information to proceed with the environmental review has been submitted and there are no longer any outstanding items. We expect to publish the Notice of Preparation by the end of July 2010 and hold a scoping meeting in August 2010.

POST EIR PROPERTIES

The AAU acquired additional properties (including 460 Townsend, 930-950 Van Ness, 963 O' Farrell, and 2525 Jerrold) after the submission of the IMP and EIR. Given that these properties are currently in use by AAU without proper land use authorizations and after the AAU publicly pledged to not acquire and use more properties, the Department has taken appropriate enforcement action.

The Department has issued Enforcement Notifications and Notices of Violations and Penalties for the properties at 460 Townsend, 930-950 Van Ness and 963 O'Farrell. Classes in the Fine Arts program are taught in 460 Townsend and 930-950 Van Ness (connected to 963 O'Farrell) houses the antique cars for the School of Industrial Design as well as their marketing division.

These buildings require a building permit and conditional use authorizations for change to an institutional use. The Department did not send out an Enforcement Notification and Notice of Violation and Penalty for 2525 Jerrold since the change to a bus storage facility from a beer distribution center would not have required a change of use.

Pursuant to Planning Code Section 176, the Notice of Violation and Penalties will assess penalties of up to \$250 for each day the violation continues unabated.

CONVERSION OF DWELLING/LIVE WORK TO STUDENT HOUSING

The Planning Department has taken the position that the AAU's acquisition and use of apartment buildings designated as "dwelling units" under the Code for the purpose of housing students enrolled in the AAU is not a change of use to "group housing" as defined in the Planning Code. While, there has been no Zoning Administrator determination on this issue, the Department has publicly and repeatedly expressed this position to the AAU, the Commission, and the Board over time. In response to recent suggestions by members of the public that the appropriate designation of the AAU's use of the apartment buildings is more appropriately "group housing" under the Planning Code, the Department has looked at this issue again and consulted with the City Attorney's office. The Department continues to maintain its position that, while there is no perfect fit for the use under the Planning Code, the units are best defined as "dwelling units" under the Code.

While the Department had stated in earlier staff reports that AAU dwelling units are not subject to Rent Control, recent statements by Delene Wolf, Executive Director of the Rent Board at the Land Use and Economic Development Committee on January 11, 2010, suggest that the Rent Board has been treating the units as subject to rent control.

INSTITUTIONAL MASTER PLAN

Our February 8, 2010 letter requested an update to the most recent version of the Institutional Master Plan (IMP) detailing additional properties acquired and used by AAU. We have not yet received the update from AAU but have been assured that this information is forthcoming. As the EIR project description takes shape, the information will be used for the updated IMP.

REQUIRED COMMISSION ACTION

No action is required at this time.

RECOMMENDATION: No action is required at this time.

Attachments:

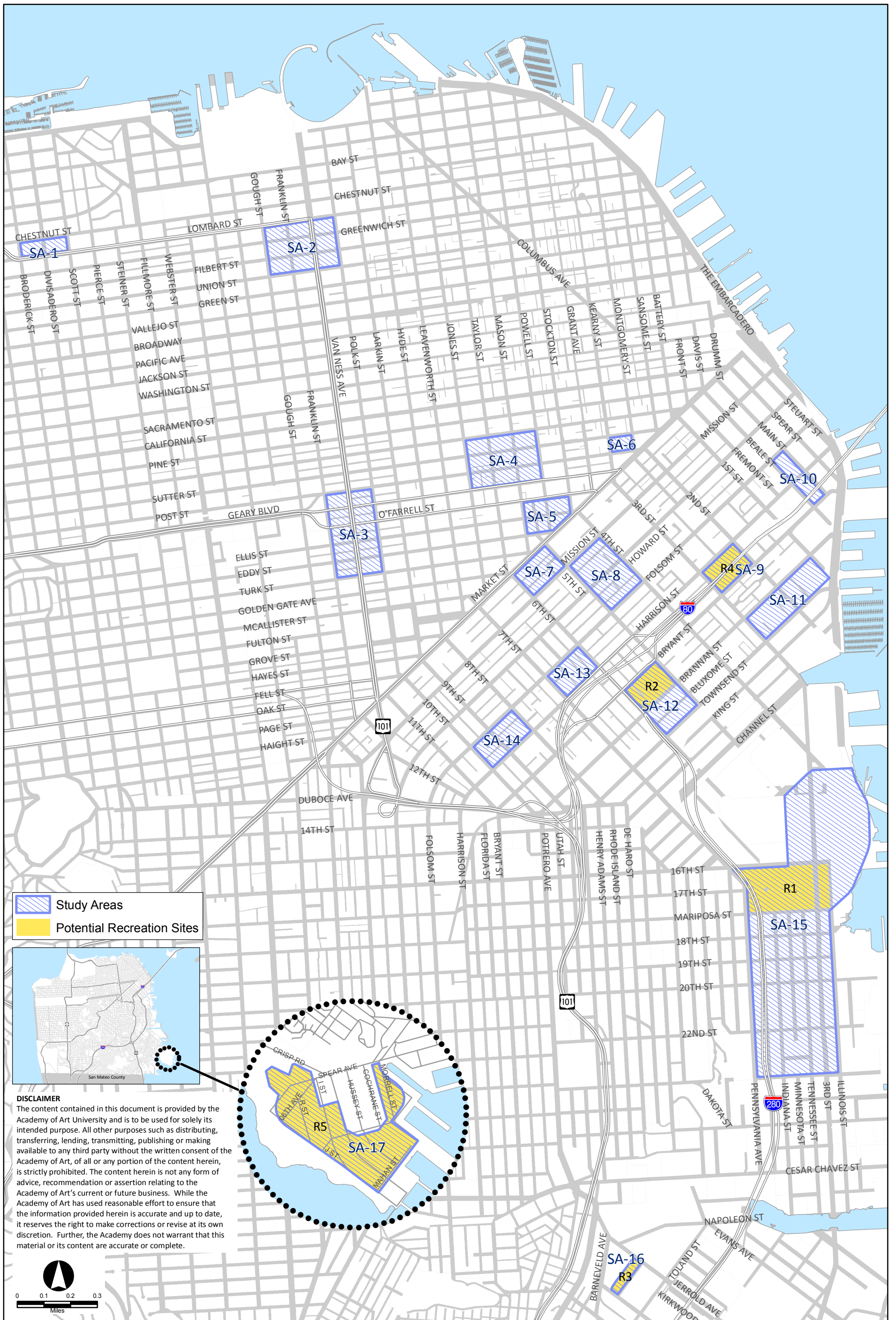
Inspection Schedule
Study Areas Map

Inspection Dates
Revised 5/25/2010

BUILDING ACADEMIC	CITY INSPECTION DATE 9:00 am	SUMMER USAGE
740 Taylor	May 4, 2010	6/12 to 8/11
625 Sutter	May 4, 2010	6/12 to 8/11
180 New Montgomery	May 18, 2010 start 7:30 am	6/12 to 8/11
540 Powell	May 20, 2010	6/12 to 8/11
491 Post	May 20, 2010	6/12 to 8/11
79 New Montgomery	May 25, 2010	6/12 to 8/11
2225 Jerrold	May 11, 2010	6/12 to 8/11
2151 Van Ness	May 11, 2010	Seismic Retrofit FA 10 start 9/2
601 Brannan	June 15 2010	6/14/- 8/11
410 Bush	June 15, 2010	6/14/- 8/11
950 Van Ness	July 8, 2010	
1849 Washington	Inspected	6/14/- 8/11
701 Chestnut	Inspected	6/14/- 8/11
60 Federal	June 24, 2010	6/14/- 8/11
466 Townsend	Inspected	6/14/- 8/11
460 Townsend	Inspected	6/14/- 8/11
2300 Stockton	June 24, 2010	
BUILDING DORMS		
168 Bluxome	July 13, 2010	6/14 – 8/11
575 Harrison	July 13, 2010	
736 Jones	July 13, 2010	
1055 Pine	June 8, 2010	
1080 Bush	June 8, 2010	
1153 Bush	June 8, 2010	
1916 Octavia	June 22, 2010	

Inspection Dates
Revised 5/25/2010

1727 Lombard	June 22, 2010	
1900 Jackson	June 22, 2010	
655 Sutter	June 17, 2010	6/24 to 8/7
680 Sutter	June 17, 2010	
620 Sutter	June 17, 2010	6/24 to 8/7
825 Sutter	June 17, 2010	6/14 – 8/11
860 Sutter	June 17, 2010	
2211 Van Ness	July 8, 2010	
2209 Van Ness	July 8, 2010	
560 Powell	July 8, 2010	
1071 Pine Street	June 8, 2010	
688 Sutter	June 17, 2010	



Source: AAU, ESRI

ACADEMY OF ART UNIVERSITY EIR
 FIGURE 3: STUDY AREAS
 DRAFT: SUBJECT TO REVISION