

FILE NO. 080156

ORDINANCE NO. 35-08

1 [Zoning – ~~Prohibition on~~ Conditional Use for specified educational services in Western SoMa.]

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3 **Ordinance amending the Planning Code by amending Section 823 to ~~prohibit~~ make**
4 **educational institutions as defined in Section 890.50(c) in the Western SoMa Planning**
5 **Area Special Use District subject to conditional use authorization; and making**
6 **environmental findings and findings of consistency with the General Plan and priority**
7 **policies of Planning Code Section 101.1.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 (a) General Findings.

15 (1) San Francisco has a proud tradition of neighborhoods and thriving commercial
16 districts that reflect the diverse character of the city.

17 (2) The Western SoMa Planning Area Special Use District houses important
18 production, distribution, and repair ("PDR") services that are a vital part of the San Francisco
19 and regional economy, including the flower industry. For purposes of this Ordinance, PDR is
20 defined as set forth in Planning Commission Resolution Number 16727 (2004), a copy of
21 which is on file with the Clerk of the Board of Supervisors in File No. 080156.

22 (3) The Western SoMa Citizens Planning Task Force is developing proposed
23 controls to protect existing PDR businesses from displacement and establish appropriate uses
24 in the Western SoMa and is scheduled to release their draft plan by _____, 2008.
25

1 (4) Large educational institutions can displace production, distribution, and repair
2 services that the City is fostering in this special use district. Such institutions, when properly
3 sited, also can enhance and enliven other neighborhoods.

4 (5) The General Plan encourages large developments and institutional uses, such
5 as educational institutional uses, to locate in areas of the City where existing public transit and
6 other services can easily accommodate such uses. Portions of the Western SoMa Planning
7 Area Special Use District are underserved by public transit and other services, and therefore,
8 this District is not an appropriate location for such uses.

9 (6) This Board, in Ordinance No. 280-07, imposed an initial 45-day moratorium on
10 institutional uses in the subject area. A copy of that Ordinance is on file with the Clerk of the
11 Board of Supervisors in File No. 071534 and is incorporated by reference herein.

12 (7) Pursuant to Ordinance No. 280-07, the Planning Department, on January 9,
13 2008, issued a report on the subject moratorium and made various recommendations for
14 permanent zoning controls. On January 14, 2008, the Board of Supervisors' Land Use
15 Committee conducted a hearing on a Motion concerning said report and recommended that
16 the full Board approve the Motion. The public testimony and documents related to this Motion
17 are part of the Clerk of the Board of Supervisors File No. 080036 and are incorporated herein
18 by reference. The Board of Supervisors in Motion No. M08-0009, adopted said report.
19 A copy of the Motion and the report are on file with the Clerk of the Board of Supervisors in
20 File No. 080036 and are incorporated herein by reference

21 (8) On Jan. 29, 2008, the Board of Supervisors adopted Urgency Ordinance
22 0011-08 extending the interim zoning moratorium to prohibit the establishment of new
23 institutional uses in the Western SoMa Planning Area Special Use District for 22 months and
24 15 days from the termination date of Ordinance No. 280-07 in accordance with California
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1 Government Code Section 65858 or until permanent controls are adopted to address
2 institutional uses in the Western SOMA, whichever first occurs.

3 ~~(9) This Ordinance and companion legislation in Clerk of the Board of Supervisors~~
4 ~~File No. _____ concerning educational institutions are intended to serve as the~~
5 ~~permanent control to address the abovementioned issues, and therefore, upon this Ordinance~~
6 ~~being final and effective, the interim zoning moratorium set forth in Ordinance No.~~
7 ~~_____ shall be repealed. The companion legislation is incorporated herein by~~
8 ~~reference~~

9 (b) Environmental Findings, General Plan Findings, and Other Required Findings.

10 (1) The Planning Department has determined that the actions contemplated in this
11 Ordinance are in compliance with the California Environmental Quality Act (California Public
12 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
13 Board of Supervisors in File No. 080156 and is incorporated herein by
14 reference.

15 (2) On February 21, 2008, the Planning Commission, in Resolution
16 No. 17558 approved and recommended for adoption by the Board this legislation
17 and adopted findings that it is consistent, on balance, with the City's General Plan and eight
18 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.
19 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
20 080156, and is incorporated by reference herein.

21 (3) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
22 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
23 Planning Commission Resolution No. 17558, and incorporates such reasons by
24 reference herein.

1 Section 3. The San Francisco Planning Code is hereby amended by amending
2 Section 823 to read as follows:

3 Sec. 823. WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

4 (a) The Western SoMa Planning Area Special Use District, as shown on Section
5 Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed buy Sections 80-3.6 and 803.7 of
6 this Code, and Board of Supervisors Resolution No. 731-04.

7 (b) The area of the City known as Western South of Market ("Western SoMa") is
8 currently undergoing a comprehensive community-based planning process pursuant to
9 Resolution No. 731-04, which was adopted by the Board of Supervisors on November 23,
10 2004. Resolution 731-04 established a 22-member Western SoMa Citizens Planning Task
11 Force charged with advising the Board of Supervisors and Planning Commission on future
12 planning for the area. The Western SoMa Planning Area Special Use District will further
13 recognition of the Western SoMa as a special planning area of the City.

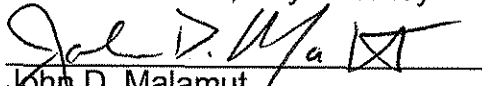
14 (c) Educational Service uses as defined by Section 890.50(c) are prohibited in the Western
15 SoMa Planning Area Special Use District are subject to conditional use authorization in
16 accordance with Section 303.

17 Section 4. This Section is uncodified. (a) Severability. If any section, subsection,
18 clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional
19 by any court or federal or State agency of competent jurisdiction, such portion shall be
20 deemed a separate, distinct and independent provision and such holding shall not affect the
21 validity of the remaining portions thereof.

22 (b) This Ordinance shall not apply to any Section 890.50(c) educational services
23 institution in the Western SoMa Planning Area Special Use District that: (1) has submitted an
24 institutional master plan in accordance with Planning Code Section 304.5 and (2) has been
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1. the subject of a public hearing before the Planning Commission in accordance with Section
2. 304.5(d) within the prior 6 month period.

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

6 By: 
7 John D. Malamut
8 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 080156

Date Passed:

Ordinance amending the Planning Code by amending Section 823 to prohibit educational institutions as defined in Section 890.50(c) in the Western SoMa Planning Area Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

March 4, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Absent: 1 - Ammiano

March 11, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
Mirkarimi, Peskin, Sandoval

Excused: 1 - McGoldrick

File No. 080156

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 11, 2008
by the Board of Supervisors of the City and
County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

3-17-08

Date Approved

[Signature]
Mayor Gavin Newsom