

1 [Zoning – Conditional Use for Change in use of an elementary or secondary school.]

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3 **Ordinance amending the Planning Code to add Section 209.3A and Section 217.1 to**
4 **require conditional use authorization for any project involving the change in use of an**
5 **elementary or secondary school; making environmental findings and findings of**
6 **consistency with the General Plan and priority policies of the Planning Code Section**
7 **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. General Findings.

14 (a) Although changing demographics and budgetary considerations have had a great
15 impact on the supply and distribution of schools, most properties currently dedicated to school
16 use are well-utilized for their existing programs and education levels.

17 (b) Schools at each separate education level present different patterns of use by
18 students, parents, caregivers, educational providers, administration, and support services;
19 and consequently, have different impacts on each neighborhood in which these uses are
20 located.

21 (c) The intent of this legislation is to appropriately address and ameliorate the
22 problems and conditions associated with the change in use of an elementary or secondary
23 school to another use, including, but not limited to, the impacts on neighborhood character,
24 pedestrian and vehicular traffic, and public transit.

25 Section 2. Specific Findings.

1 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 ordinance will serve the public necessity, convenience and welfare for the reasons specified in
3 this legislation and in Planning Commission ~~Motion No~~ Resolution 17336, a copy of which is in
4 Clerk of the Board of Supervisors file No. 061163. Said motion is incorporated herein by
5 reference.

6 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
7 ordinance is consistent with the priority policies of Section 101.1(b) of the Planning Code and
8 the General Plan for the reasons set forth in said Planning Commission ~~Motion No~~ Resolution
9 17336.

10 (c) Environmental Findings. The Planning Department has determined that the actions
11 contemplated in this Ordinance are in compliance with the California Environmental Quality
12 Act (California Public Resources Code sections 21000 et seq.). Said determination is on file
13 with the Clerk of the Board of Supervisors in File No. 061163 and is incorporated herein by
14 reference.

15 Section 3. The San Francisco Planning Code is hereby amended by adding Section
16 209.3A to read as follows:

17 SEC. 209.3A. LIMITATION ON CHANGE IN USE TO AN ELEMENTARY OR
18 SECONDARY SCHOOL.

19 (a) Notwithstanding any other provision of this Article, a change in use from an elementary or
20 secondary school, as set forth in Section 209.3(g) or 209.3(h), respectively, to any other use shall
21 require conditional use authorization pursuant to Section 303.

22 (b) The Planning Commission, as part of its decision on a conditional use application for any
23 use subject to this Section, shall consider the following additional criteria:

24 (1) The market demand for the proposed use and the extent to which the proposed use may
25 result in the displacement or closure of the existing use;

1 (2) The shift in traffic and public transit patterns that may result from drawing traffic to the
2 location of the proposed use and having the existing use relocated elsewhere; and,

3 (3) The impact that the employees at the proposed use or relocated use will have on the
4 demand in the City for housing, public transit, childcare, and other social services.

5 (c) As part of their conditional use application, a project sponsor shall submit a report that
6 analyzes the criteria set forth in Subsection (b). A professional expert(s) shall participate in the
7 preparation of such report and the submission shall include the professional qualifications of said
8 expert(s).

9 (d) This Section shall not authorize a change in use if the new use or uses are otherwise
10 prohibited.

11 Section 4. The San Francisco Planning Code is hereby amended by adding Section
12 217.1 to read as follows:

13 SEC. 217.1. LIMITATION ON CHANGE IN USE TO AN ELEMENTARY OR
14 SECONDARY SCHOOL.

15 (a) Notwithstanding any other provision of this Article, a change in use from an elementary or
16 secondary school, as set forth in Section 217(f) or 217(g), respectively, to any other use shall require
17 conditional use authorization pursuant to Section 303.

18 (b) The Planning Commission, as part of its decision on a conditional use application for any
19 use subject to this Section, shall consider the following additional criteria:

20 (1) The market demand for the proposed use and the extent to which the proposed use may
21 result in the displacement or closure of the existing use;

22 (2) The shift in traffic and public transit patterns that may result from drawing traffic to the
23 location of the proposed use and having the existing use relocated elsewhere; and,

24 (3) The impact that the employees at the proposed use or relocated use will have on the
25 demand in the City for housing, public transit, childcare, and other social services.

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2 analyzes the criteria set forth in Subsection (b). A professional expert(s) shall participate in the
3 preparation of such report and the submission shall include the professional qualifications of said
4 expert(s).

5 (d) This Section shall not authorize a change in use if the new use or uses are otherwise
6 prohibited.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: _____
11 John D. Malamut
12 Deputy City Attorney