

1 [Zoning – Prohibition on specified educational services in Western SoMa.]

2

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

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

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

11 Section 1. Findings.

12 (a) General Findings.

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

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

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

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

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

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

9 (7) Pursuant to Ordinance No. 280-07, the Planning Department, on January 9,  
10 2008, issued a report on the subject moratorium and made various recommendations for  
11 permanent zoning controls. On January 14, 2008, the Board of Supervisors' Land Use  
12 Committee conducted a hearing on a Motion concerning said report and recommended that  
13 the full Board approve the Motion. The public testimony and documents related to this Motion  
14 are part of the Clerk of the Board of Supervisors File No. 080036 and are incorporated herein  
15 by reference. The Board of Supervisors in Motion No. \_\_\_\_\_, adopted said report.  
16 A copy of the Motion and the report are on file with the Clerk of the Board of Supervisors in  
17 File No. 080036 and are incorporated herein by reference

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

24 (9) This Ordinance and companion legislation in Clerk of the Board of Supervisors  
25 File No. \_\_\_\_\_ concerning educational institutions are intended to serve as the

1 permanent control to address the abovementioned issues, and therefore, upon this Ordinance  
2 being final and effective, the interim zoning moratorium set forth in Ordinance No.  
3 \_\_\_\_\_ shall be repealed. The companion legislation is incorporated herein by  
4 reference

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

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

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

17 (3) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
18 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in  
19 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by  
20 reference herein.

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

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

24

25

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

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

11           (c)     Educational Service uses as defined by Section 890.50(c) are prohibited in the Western  
12    SoMa Planning Area Special Use District.

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

18  
19    APPROVED AS TO FORM:  
20    DENNIS J. HERRERA, City Attorney

21    By: \_\_\_\_\_  
22        John D. Malamut  
23        Deputy City Attorney