

1 [Interim Zoning Requiring Conditional Use Authorization for Change in Use of an Elementary
2 or Secondary School]

3 **Resolution imposing interim zoning controls establishing a requirement for conditional**
4 **use authorization for a change in use of any elementary or secondary school,**
5 **including, where permissible, lots under the jurisdiction of the San Francisco School**
6 **District, for an eighteen (18) month period and making a determination of consistency**
7 **with the priority policies of Planning Code Section 101.1.**

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9 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning
10 controls to accomplish several objectives, including preservation of the existing character of
11 neighborhoods and control of uses which generate an adverse impact on pedestrian and
12 vehicular traffic and on public transit; and,

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

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

20 WHEREAS, These controls are intended and designed to deal with and ameliorate
21 the problems and conditions associated with the change in use of an elementary or secondary
22 school to another use during the next eighteen (18) months; and,

23 WHEREAS, This Board has considered the impact on the public health, safety, peace,
24 and general welfare, including, but not limited to, the impacts on neighborhood character,

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1 pedestrian and vehicular traffic, and public transit, if the interim controls proposed herein were
2 not imposed; and,

3 WHEREAS, This Board has determined that the public interest will be best served by
4 imposition of these interim controls at this time in order to ensure that the legislative scheme
5 which may be ultimately adopted is not undermined during the planning and legislative
6 process for permanent controls; now, therefore, be it

7 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by
8 this resolution, hereby requires conditional use authorization prior to a change in use of any
9 elementary or secondary school, including, where permissible lots under the jurisdiction of the
10 San Francisco Unified School District; and, be it

11 FURTHER RESOLVED, That for purposes of these interim controls "elementary
12 school", "secondary school", and "conditional use" shall have the meaning given to such
13 terms in Planning Code Section 209.3(g), Section 209.3(h), and Section 303, respectively;
14 and, be it

15 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
16 Commission, as part of its decision on a conditional use application for any use subject to
17 these controls, shall consider the following additional criteria:

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

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

22 (3) the impact that the employees at the proposed use or relocated use will have on
23 the demand in the City for housing, public transit, childcare, and other social services; and, be
24 it

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1 FURTHER RESOLVED, That information analyzing the criteria set forth above shall be
2 documented in a report prepared by a professional expert; and, be it

3 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
4 (18) months or until the adoption of permanent legislation regulating change in use of
5 elementary or secondary schools, whichever first occurs; and, be it

6 FURTHER RESOLVED, That these interim controls advance and are consistent with
7 Priority Policies 2 and 4 of the Planning Code section 101.1 in that they attempt to conserve
8 cultural and economic diversity of our neighborhoods and to ensure that commuter traffic not
9 impeded MUNI transit service or overburden our streets or neighborhoods parking. With
10 respect to Priority Policies 1, 3, 5, 6, 7 and 8, the Board finds that the interim zoning controls
11 will have no effect upon these policies, and thus, will not conflict with said policies.

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APPROVED AS TO FORM:

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DENNIS J. HERRERA, City Attorney

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16 By:

John D. Malamut
Deputy City Attorney

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