

1 [Zoning – Educational services and institutional uses, Mixed Use Districts and NCDs.]

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3 **Ordinance amending the Planning Code by amending Sections 102.2 to exclude**  
4 **specified accredited educational institutions from the definition of arts activities;**  
5 **amending Section 790.50 and 890.50 to clarify that certain institutions, including**  
6 **accredited educational institutions, in the Neighborhood Commercial Districts and**  
7 **Mixed Use Districts are required to comply with applicable provisions of the**  
8 **institutional master plans as set forth in Section 304.5; and making environmental**  
9 **findings and findings of consistency with the General Plan and priority policies of**  
10 **Planning Code Section 101.1.**

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

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

16 Section 1. Findings.

17 (a) General Findings.

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

20 (2) Given this diversity, it is critical to differentiate between art activities and  
21 accredited educational institutions that may provide art education so that zoning controls can  
22 better respond to neighborhood character.

23 (3) Large educational institutions can displace other uses that a more appropriate to  
24 a particular neighborhood. Such institutions, when properly sited, also can enhance and  
25 enliven other neighborhoods.

1 (4) Failure to comply with the City's institutional master plan process as described  
2 by Section 304.5 of the Planning Code results in the avoidance of public scrutiny of  
3 institutional expansion into various neighborhoods, including the Mixed Use districts and the  
4 Neighborhood Commercial districts.

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

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

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

23 (8) This Ordinance and companion legislation addressing educational uses in the  
24 Western SoMa Planning Area Special Use District in Clerk of the Board of Supervisors File  
25 No. \_\_\_\_\_ are intended to serve as the permanent controls to address the

1 abovementioned issues. The companion legislation is incorporated herein by reference.  
2 However, this legislation also has application to arts activities City-wide and to educational  
3 uses in the Neighborhood Commercial Districts and Mixed Use Districts, in Planning Code  
4 Articles 7 and 8, respectively. Therefore, this legislation can be addressed separately from  
5 the interim zoning moratorium described above.

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

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

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

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

22 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
23 102.2 to read as follows:

24 SEC. 102.2. ARTS ACTIVITIES AND SPACES.  
25

1 Arts activities shall include performance, exhibition (except exhibition of films), rehearsal,  
2 production, post-production and some schools of any of the following: Dance, music, dramatic  
3 art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics,  
4 textiles, woodworking, photography, custom-made jewelry or apparel, and other visual,  
5 performance and sound arts and craft. It shall exclude accredited schools and accredited post-  
6 secondary educational institutions as defined by 209.3(i), 217(h), 790.50(c) and 890.50(c). It shall  
7 include commercial arts and art-related business service uses including, but not limited to  
8 recording and editing services, small-scale film and video developing and printing; titling;  
9 video and film libraries; special effects production; fashion and photo stylists; production, sale  
10 and rental of theatrical wardrobes; and studio property production and rental companies. Arts  
11 spaces shall include studios, workshops, galleries, museums, archives and theaters, and  
12 other similar spaces customarily used principally for arts activities, exclusive of theaters  
13 subject to Section 221(d), dance halls subject to Section 221(f), adult entertainment subject to  
14 Section 221(k) of this Code, and any other establishment where liquor is customarily served  
15 during performances.

16 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
17 790.50 to read as follows:

18 SEC. 790.50. INSTITUTIONS, OTHER LARGE.

19 A public or private, nonprofit or profit-making use, excluding hospitals and medical centers,  
20 which provides services to the community ~~excluding hospitals and medical centers,~~ and meets the  
21 applicable provisions of Section 304.5 of this Code concerning institutional master plans, and  
22 including but not limited to the following:

23 (a) Assembly and Social Service. A use which provides social, fraternal, counseling or  
24 recreational gathering services to the community. It includes a private noncommercial club  
25 house, lodge, meeting hall, recreation building, or community facility not publicly owned. It

1 also includes an unenclosed recreation area or noncommercial horticulture area not publicly  
2 owned.

3 (b) Child Care. A use which provides less than 24-hour care for 13 or more children  
4 by licensed personnel and which meets the requirements of the State of California and other  
5 authorities.

6 (c) Educational Service. A use certified by the ~~State Educational Agency~~ Western  
7 Association of Schools and Colleges which provides educational services, such as a school,  
8 college or university. It may include, on the same premises, employee or student dormitories  
9 and other housing operated by and affiliated with the institution.

10 (d) Religious Facility. A use which provides religious services to the community, such  
11 as a church, temple or synagogue. It may include on the same lot, the housing of persons  
12 who engage in supportive activity for the institution.

13 (e) Residential Care. A medical use which provides lodging, board, and care 24 hours  
14 or more to seven or more persons in need of specialized aid by personnel licensed by the  
15 State of California and which provides no outpatient services; including but not limited to, a  
16 board and care home, rest home, or home for the treatment of the addictive, contagious, or  
17 other diseases or physiological disorders.

18 Section 4. The San Francisco Planning Code is hereby amended by amending Section  
19 890.50 to read as follows:

20 SEC. 890.50. INSTITUTIONS, OTHER.

21 A public or private, nonprofit or profit-making use, excluding hospitals and medical  
22 centers, which provides services to the community, and meets the applicable provisions of Section  
23 304.5 of this Code concerning institutional master plans, including but not limited to the following:

24 (a) Assembly and Social Service. A use which provides social, fraternal, counseling or  
25 recreational gathering services to the community. It includes a private noncommercial

1 clubhouse, lodge, meeting hall, family or district association, recreation building, or community  
2 facility not publicly owned. It also includes an unenclosed recreation area or noncommercial  
3 horticulture area not publicly owned.

4 (b) Child Care. A use which provides less than 24-hour care for children by licensed  
5 personnel and which meets the requirements of the State of California and other authorities.

6 (c) Educational Service. A use certified by the ~~State Educational Agency~~ Western  
7 Association of Schools and Colleges which provides educational services such as a school,  
8 college or university. It may include, on the same premises, employee or student dormitories  
9 and other housing operated by and affiliated with the institution.

10 (d) Religious Facility. A use which provides religious services to the community such  
11 as a church, temple or synagogue. It may include on the same lot, the housing of persons  
12 who engage in supportive activity for the institution.

13 (e) Residential Care. A medical use which provides lodging, board, and care for one  
14 day or more to persons in need of specialized aid by personnel licensed by the State of  
15 California and which provides no outpatient services; including but not limited to, a board and  
16 care home, rest home, or home for the treatment of the addictive, contagious, or other  
17 diseases or physiological disorders.

18 (f) Job Training. A use which provides job training and may also provide vocational  
19 counseling and job referrals.

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21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

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24 By: \_\_\_\_\_  
25 John D. Malamut  
Deputy City Attorney

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