

FILE NO. 080156

ORDINANCE NO. 35-08

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

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

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

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

Section 1. Findings.

(a) General Findings.

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

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

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

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  
25

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 uncoded. (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  
25

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.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

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8 John D. Malamut  
9 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.

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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.

3.17.08

Date Approved

Angela Calvillo

Angela Calvillo  
Clerk of the Board

[Signature]

Mayor Gavin Newsom