



SAN FRANCISCO PLANNING DEPARTMENT

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1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19066

HEARING DATE: JANUARY 23, 2014

Date: January 16, 2014
Case No.: **2013.1040CE**
Project Address: **3065 JACKSON STREET (MAIN/UPPER CAMPUS)**
3150 WASHINGTON STREET (MIDDLE CAMPUS)
3185 WASHINGTON STREET (LOWER CAMPUS)
3220 SACRAMENTO STREET (SACRAMENTO ST CAMPUS)
Zoning: RH-3 (Residential, House, Three-Family) District;
Sacramento Street Neighborhood Commercial District, and
40-X Height and Bulk District
Blocks/Lots: 0982/034; 0999/026 and 1007/008
Project Sponsor: San Francisco University High School
c/o Caroline Guibert
Coblentz Patch Duffy & Bass
One Ferry Building, Suite 200
San Francisco, CA 94111
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 178, 209.3(H), 303(C) AND 724.81 OF THE PLANNING CODE TO MODIFY CONDITIONS OF APPROVAL UNDER PLANNING COMMISSION MOTION NUMBERS 13578 AND 17102 TO INCREASE THE STUDENT ENROLLMENT OF AN EXISTING EDUCATIONAL/INSTITUTIONAL FACILITY (SAN FRANCISCO UNIVERSITY HIGH SCHOOL) WITH FOUR CAMPUSES IN THE PACIFIC HEIGHTS NEIGHBORHOOD. THE LOWER, MIDDLE AND UPPER CAMPUSES ARE IN AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT; AND THE SACRAMENTO STREET CAMPUS IS IN THE SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 6, 2013, the San Francisco University High School (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization

under Planning Code Sections 178, 209.3(h), 303(c) and 724.81 to modify conditions of approval under Planning Commission Motion Nos. 13578 and 17102 to increase the student enrollment of an existing institutional/education facility with four campuses in the Pacific Heights neighborhood. The Lower, Middle and Upper Campuses are in an RH-3 District and a 40-X Height and Bulk District, while the Sacramento Street Campus is in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District.

On January 23, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1040CE.

The Department determined that the Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 14 for minor addition to schools, where the addition does not increase the original student capacity by more than 25 percent.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1040CE, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is comprised of four campuses operated by the San Francisco University High School located in the northern part of the City. The original main campus, also known as the Upper Campus, was founded in 1973 at 3065 Jackson Street (Lot 034 in Assessor's Block 0982), followed by the Middle Campus at 3150 Washington Street (Lot 034 in Assessor's Block 0982), the Lower Campus at 3185 Washington Street (Lot 026 in Assessor's Block 0999), and the Sacramento Street Campus at 3220 Sacramento Street (Lot 008 in Assessor's Block 1007). The Lower, Middle and Upper Campuses are in an RH-3 District and a 40-X Height and Bulk District, while the Sacramento Street Campus is in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District.

The four buildings contain a total of approximately 87,500 square feet, housed in two to three-story buildings with a total of 14 off-street parking spaces and 12 bicycle parking spaces. The Project Sponsor also rents approximately 18 parking spaces off-site for faculty and staff.

All four campus-wide buildings are used for educational and administrative purposes. The Upper Campus housed in a “U-shaped” building with an interior courtyard at 3065 Jackson Street contains the admissions office, humanities classrooms, and administrative and faculty offices. The Middle Campus at 3150 Washington Street, located directly across the courtyard from the Upper Campus building, contains the academic center, library, student center, cafeteria, auditorium, science laboratories, and a roof-top tennis court. The Lower Campus building at 3185 Washington Street, located across the street from the Middle Campus, contains classrooms for math, science and technology, and an athletic facility. The Sacramento Street Campus at 3220 Sacramento Street contains painting, ceramics, film and photography studios, language classrooms, language lab, and the college counseling office.

3. **Surrounding Properties and Neighborhood.** The four campuses are located in the Pacific Heights neighborhood. With the exception of the commercially-zoned Sacramento Street Campus, the Lower, Middle and Upper Campuses are located in a residential district surrounded by single-family residences and multi-unit buildings.
4. **Project Description.** The school is seeking an approximately five percent increase in student enrollment from 389 to 410 students by modifying the conditions of approval from previous Commission approvals under Motion Nos. 13578 (1993) and 17102 (2005) related to an enrollment cap for the school. All other conditions attached to the previous approval motions and related to the operation of the school would remain in effect. No physical expansion is proposed at any of the four campuses.
5. **Public Comment.** To date, the Department has not received any correspondence in support of or opposition to the proposed Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Secondary School Use.** Planning Code Section 209.3(h) states that a Conditional Use authorization is required for a high school, as defined by Planning Code Section 209.3(h), in the residential zoned district.

The San Francisco University High School (SFUHS) is a co-educational, college-preparatory high school founded in 1973. The School is seeking an approximately five percent (21 students) increase in the enrollment cap of 389 students that was last authorized in September 1993 under Motion No. 13578. Subsequent Commission approval of the Sacramento Street Campus at 3220 Sacramento Street under Motion No. 17102 maintained the enrollment cap at 389 students. No physical expansion of the existing facilities (at 3065 Jackson Street, 3150 Washington Street and 3185 Washington Street) is proposed.

- B. **Institutional Use.** Planning Code Section 724.81 states that a Conditional Use authorization is required for “other large institution” use, such as school on the second and third floors, as defined by Planning Code Section 790.50, in the neighborhood commercial zoned district.

The San Francisco University High School is a co-educational, college-preparatory high school housed in a three-story building at 3220 Sacramento Street. No physical expansion of the existing facility at 3220 Sacramento Street is proposed.

7. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed Project seeks only to modestly increase its enrollment cap in order to ensure its continued viability as an institutional and educational use at the four campuses located in the northern part of the City. All other conditions related to the operation of the school would remain in effect. No physical expansion is proposed at any of the four campuses.

The San Francisco University High School was founded in 1973. According to the Project Sponsor, SFUHS attracts applicants from a wide array of public, parochial and independent middle schools. It receives over 450 applications annually for a freshman class of approximately 96 to 98 students. Approximately 75 to 80 percent of the students are from San Francisco, while the remaining are from the East Bay, Marin and the Peninsula. The current freshman class of 98 students comes from 42 middle schools, of which 11 are public schools, 11 parochial schools and 20 independent schools. SFUHS believes in a culturally and economically diverse student body. Students of color comprise approximately 42 percent of the student body. Approximately 22 percent of the students currently receive scholarships, totaling about two million dollars.

The SFUHS has not sought an enrollment increase since the cap of 389 students was authorized in 1993. The Project Sponsor believes that the existing facilities are underutilized leading to inefficiencies of its facilities, curriculum and faculty. The Project Sponsor asserts that the Lower, Middle and Upper Campus buildings were accommodating 389 students prior to the opening of the Sacramento Street Campus. Currently, the Lower to Upper Campus buildings serve approximately 292 students, while the Sacramento Street Campus serves approximately 97 students. The Project Sponsor believes that 308 students could be accommodated at the Lower, Middle and Upper Campuses and 102 students at the Sacramento Street Campus, for a total of 410 students.

The Project is necessary and desirable because it will provide greater educational opportunities to a diverse body of students drawn from the San Francisco community at large. The proposal involves a modest increase in enrollment from 389 to 410 students. The current enrollment cap was last authorized in 1993. The SFUHS would be able to accommodate this modest increase of 21 students without adding any new classrooms or physical expansion to existing facilities and no increase in

staffing. The SFUHS will continue to provide its summer program ("Summerbridge") offering tuition-free academic services to underserved middle school students for over 35 years.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposed Project does not involve any physical expansion to existing facilities. The proposed Project seeks only to increase its enrollment cap from 389 to 410 students in order to ensure its continued viability as an institutional and educational use at the four campuses located in the northern portion of the City.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The proposed Project is an approximately five percent increase in enrollment from 389 to 410 students. Existing school operations would not be affected by this increase. SFUHS would continue to provide personnel to monitor traffic and general safety throughout the neighborhood. The monitors would assist students in crossing legally between the campuses and enforce the no littering or loitering policy. SFUHS would also maintain its policy of no student driving to school without written permission from the Dean of Students, which permission is given only in cases where no acceptable alternative exists. Because of this no student driving policy, the Project Sponsor asserts that less than one percent of its student body drives to school. In addition, the Project Sponsor would continue to maintain its 14 off-street parking spaces and 12 bicycle parking spaces, as well as renting approximately 18 parking spaces off-site for faculty and staff.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed Project will not result in noxious or offensive emissions..

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposed Project is not proposing changes to existing landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs. SFUHS would continue to maintain the white-curb passenger loading zones on both sides of Washington Street, as well as its on-site and off-site parking spaces.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with relevant requirements and standards of the Planning Code, and is consistent with objectives and policies of the General Plan as detailed below.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

Government, Health and Educational Services

Objectives and Policies

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENT, HEALTH AND EDUCATIONAL SERVICES.

Policy 7.2:

Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

The proposed Project would provide greater educational opportunities to a diverse body of students drawn from the San Francisco community at large. The proposal involves a modest increase in enrollment from 389 to 410 students. The current enrollment cap was last authorized in 1993. The SFUHS would be able to accommodate this modest increase of 21 students without adding any new classrooms or physical expansion to existing facilities and no increase in staffing.

Policy 7.3:

Promote the provision of adequate health and educational services to all geographical districts and cultural groups in the City.

Since SFUHS was founded in 1973, the Project Sponsor asserts that it has maintained a community of equity and excellence by admitting students of diverse backgrounds, perspectives and talents, regardless of their financial means. According to the Project Sponsor, students of color make up approximately 42 percent of the student body. Approximately 22 percent of students receive scholarships annually totaling about two million dollars. The proposed Project would continue to provide greater educational opportunities to the City and the community at large.

TRANSPORTATION ELEMENT

General

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.5:

Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.

SFUHS would continue to maintain its policies on student driving and alternative means of transportation, such as public transit, bicycles and carpools, for its faculty, staff and students.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No neighborhood-serving retail uses exist and none is proposed for the Project.
 - B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

There are no existing housing units related to the proposed Project and none are proposed.
 - C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.
 - D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The four campus-wide buildings are well-served by public transit and existing on-site and off-site parking spaces would be maintained.
 - E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The proposed Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is not proposing any alterations to existing structures. The Upper Campus building at 3065 Jackson Street was renovated in 1975 to meet seismic standards and was also remodeled in 2007 to meet disabled accessibility standards and structural reinforcements.

- G. That landmarks and historic buildings be preserved.

The Upper Campus building at 3065 Jackson Street, designed by Julia Morgan and built in 1918, has been determined by Department staff to be a historic resource. The Project is not proposing any exterior changes to this building or to the other campus buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed Project will maintain the existing buildings' envelopes and heights, and will not affect existing parks and open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that no physical changes to any of the four campus buildings are proposed and no new classrooms are added. The Project would maintain the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Project Sponsor, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1040CE** subject to the following conditions attached hereto as "EXHIBIT A", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19066. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 23, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Wu, Borden, Hillis, Moore, Sugaya

NAYS: N/A

ABSENT: Antonini, Fong

ADOPTED: January 23, 2014

Exhibit A

Conditions of Approval

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow an approximately five percent increase in student enrollment from 389 to 410 students by modifying the conditions of approval from previous Commission approvals under Motion Nos. 13578 (1993) and 17102 (2005) related to an enrollment cap for the school. All other conditions attached to the previous approval motions and related to the operation of the school would remain in effect. No physical expansion is proposed at any of the four campus-wide buildings for the San Francisco University High School located at 3065 Jackson Street, 3150 Washington Street, 3185 Washington Street, and 3220 Sacramento Street, Assessor's Block 0982, Lot 034, Assessor's Block 0999, Lot 026, and Assessor's Block 1007, Lot 008 pursuant to Planning Code Sections 178, 209.3(h), 303(c) and 724.81 in an RH-3 and Sacramento Street Neighborhood Commercial Districts and a 40-X Height and Bulk District; subject to conditions of approval reviewed and approved by the Commission on January 23, 2014 under **Motion No. 19066**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the Building Permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 23, 2014 under **Motion No. 19066**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "Exhibit A" of this Planning Commission **Motion No. 19066** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building Permit Application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section, or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. The Project Sponsor shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other City departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

OPERATION

8. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within trash enclosures on the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org/>.

9. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrances to all the buildings and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works' Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>

10. **Community Liaison.** Prior to issuance of a Building/Site Permit Application to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.