

SAN FRANCISCO
PLANNING COMMISSION
RESOLUTION NO. 17557

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 102.2 TO EXCLUDE SPECIFIED ACCREDITED EDUCATIONAL INSTITUTIONS FROM THE DEFINITION OF ARTS ACTIVITIES AND WOULD AMEND SECTIONS 790.50 AND 890.50 TO CLARIFY THAT CERTAIN INSTITUTIONS, INCLUDING ACCREDITED EDUCATIONAL INSTITUTIONS, IN THE NEIGHBORHOOD COMMERCIAL DISTRICTS AND MIXED USE DISTRICTS ARE REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF THE INSTITUTIONAL MASTER PLANS AS SET FORTH IN SECTION 304.5.

WHEREAS, on January 29, 2008 Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 08-0157 which would amend Planning Code Section 102.2 to exclude specified accredited educational institutions from the definition of arts activities and would amend Sections 790.50 and 890.50 to clarify that certain institutions, including accredited educational institutions, in the Neighborhood Commercial Districts and Mixed Use Districts are required to comply with applicable provisions of the institutional master plans as set forth in Section 304.5.

The proposed zoning changes have been determined to be subject to a General Rule Exclusion (GRE) under CEQA Guidelines Section 15061(b)(3).

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 21, 2008.

The Commission is committed to ensuring clarity to the greatest extent possible within the Planning Code.

The Commission believes this proposed Ordinance would clarify that it the Commission's intent that Planning Code Requirements for Institutional Master Plans (Section 304.5) be consistently applied across all districts including Neighborhood Commercial Districts and Mixed Use Districts.

Currently pursuant to Section 102.2, schools of dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, wood-working, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and crafts are considered "Arts Activities and Spaces."

The proposed Ordinance appropriately redefines "Arts Activities and Spaces" to exclude large-scale, accredited universities offering coursework in the various arts activities listed in the current definition. Large arts related universities, which are state-accredited (or similar) are more appropriately categorized as "Educational Services" (Sections 790.50(c) and 890.50(c))

Redefining "Arts Activities" could clarify this issue and ensure that large institutions are not classified as "Arts Activities" and are more appropriately classified as Institutional Uses.

In sum, the Commission recommends approval of the proposed Educational Services & Institutional Uses, Mixed Use Districts and NCDs Ordinance.

The proposed amendments to the Planning Code are consistent with the General Plan.

Policy 7.3 of the Commerce and Industry Element of the General Plan promotes the provision of adequate health and educational services to all geographical districts and cultural groups in the city, thereby helping to achieve the goals of the public health program in San Francisco; and

Text under Objective 7 of the Commerce and Industry Element of the General Plan states “Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to local residents, it is important to preserve the vitality of this sector. However, future growth must be managed to achieve equitable distribution of benefits to all geographical and cultural sub-populations of the city and to minimize associated adverse effects on surrounding areas.”

The proposed amendments to the Planning Code are consistent with Section 101.1(b) of the Planning Code in that:

1. The proposed Ordinance would preserve and promote neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses by reducing displacement pressures that could be generated by large educational institutions which have not properly complied with the Institutional Master Plan Requirements.
2. The proposed legislation would allow for the continued presence and economic viability of existing neighborhood establishments while not negatively affecting existing residential development, housing or neighborhood character.
3. The City’s supply of affordable housing would be unaffected by the proposed Code amendments, which are aimed primarily toward educational institutions.
4. The proposed would not negatively impact commuter traffic, MUNI transit service, or streets and neighborhood parking in San Francisco.
5. The proposed Ordinance will protect the industrial and service sector from some displacement and promote future opportunities for resident employment and ownership in these sectors.
6. Preparedness against injury and loss of life in an earthquake would be unaffected by the proposed amendments.
7. Landmarks and historic buildings may be unaffected by the proposed Ordinance.
8. Parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance.

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Hearing on February 21, 2008 Educational Services & Institutional Uses, Mixed Use Districts and NCDs

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NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with the proposed amendments.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting February 21, 2008.

Linda Avery
Commission Secretary

AYES: Olague, Antonini, S. Lee, Moore, Sugaya

NOES:

ABSENT: W. Lee

ADOPTED: February 21, 2008