

File No. 180939 Committee Item No. 3
 Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 15, 2019

Board of Supervisors Meeting Date July 30, 2019

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral CEQA 100318 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CEQA Determination 110118 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Hearing Notice 121018 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | BOS Reso No. 438-18 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | BOS Reso No. 151-19 |
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| <input type="checkbox"/> | <input type="checkbox"/> | |

Completed by: Erica Major Date July 11, 2019
 Completed by: Erica Major Date July 17, 2019

1 [Planning Code, Zoning Map - Oceanview Large Residence Special Use District]

2
3 **Ordinance amending the Planning Code and Zoning Map to create the Oceanview**
4 **Large Residence Special Use District (the area within a perimeter established by**
5 **Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway**
6 **Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to**
7 **promote and enhance neighborhood character and affordability by requiring**
8 **Conditional Use authorization for large residential developments in the district;**
9 **affirming the Planning Department's determination under the California Environmental**
10 **Quality Act; making findings of consistency with the General Plan and the eight priority**
11 **policies of Planning Code, Section 101.1; and adopting findings of public necessity,**
12 **convenience, and welfare under Planning Code, Section 302.**

13 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 180939 and is incorporated herein by reference. The Board affirms
this determination.

1 (b) On June 13, 2019, the Planning Commission, in Resolution No. 20463, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 180939, and is incorporated herein by reference.

6 (c) On June 13, 2019, the Planning Commission, in Resolution No. 20463,
7 approved this ordinance, recommended it for adoption by the Board of Supervisors, and
8 adopted findings that it will serve the public necessity, convenience, and welfare. Pursuant to
9 Planning Code Section 302, the Board adopts these findings as its own. A copy of said
10 Resolution is on file with the Clerk of the Board of Supervisors in File No. 180939, and is
11 incorporated by reference herein.

12
13 Section 2. Article 2 of the Planning Code is hereby amended by adding Section 249.3,
14 to read as follows:

15 **SEC 249.3. OCEANVIEW LARGE RESIDENCE SPECIAL USE DISTRICT.**

16 (a) General. A special use district entitled the "Oceanview Large Residence Special Use
17 District," consisting of the area within a perimeter established by Interstate 280, Orizaba Avenue,
18 Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue,
19 Geneva Avenue, and Interstate 280, which district includes RH-1 and RH-2 Use Districts, is hereby
20 established for the purposes set forth in subsection (b). The boundaries of the Oceanview Large
21 Residence Special Use District are designated on Sectional Map No. SUI2 of the Zoning Map of the
22 City and County of San Francisco.

23 (b) Purposes. To protect and enhance existing neighborhood character, encourage new
24 infill housing at compatible densities and scale, and provide for thorough evaluation of proposed large-
25 scale residences that could adversely impact the area and affordable housing opportunities, the

1 controls stated in subsections (c)-(e) are imposed in the Oceanview Large Residence Special Use
2 District.

3 (c) Controls. All applicable provisions of the Planning Code shall continue to apply in the
4 Oceanview Large Residence Special Use District, except as otherwise provided in this Section 249.3.

5 (d) Conditional Use Authorizations. For all parcels zoned RH-1 or RH-2 within the
6 Oceanview Large Residence Special Use District, the following developments shall require a
7 Conditional Use authorization:

8 (1) Development or Expansion of Residential Property. Residential development on a
9 vacant or developed parcel that will result in a dwelling unit with:

10 (A) five or more bedrooms; or

11 (B) the smallest unit in a multiple dwelling unit project, including projects
12 with ADUs, being less than 33% of the size in floor area of the largest unit; or

13 (C) Floor Area Ratio exceeding the limits in Table 249.3.

14

15 Table 249.3

	<u>RH-1</u>	<u>RH-2</u>
<u>One Dwelling Unit</u>	<u>1 : 1</u>	<u>0.8 : 1</u>
<u>One Dwelling Unit with ADU*</u>	<u>1.15 : 1.45</u>	<u>0.9 : 1</u>
<u>Two Dwelling Units</u>	<u>N/A</u>	<u>1.5 : 1</u>
<u>Two Dwelling Units with an ADU*</u>	<u>N/A</u>	<u>1.75 : 1</u>

16

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21 * The Floor to Area Ratio is calculated without including the floor area of the ADU.

22

23 (e) In acting on any application for Conditional Use authorization within the Oceanview
24 Large Residence Special Use District, the Planning Commission shall consider the Conditional Use
25 authorization requirements set forth in subsection 303(c) of this Code and, in addition, shall consider

1 whether facts are presented to establish, based on the record before the Commission, two or more of
2 the following:

- 3 (1) The proposed project maximizes allowed density, including allowed ADUs;
4 (2) If the proposed project results in five or more bedrooms in any dwelling unit, no
5 more than three full bathrooms per dwelling unit;
6 (3) The proposed project is compatible with surrounding development in terms of floor
7 area, building scale, and form; or
8 (4) The proposed project does not add new off-street parking areas.
9 (f) This Section 249.3 shall apply to building permit applications received on or after the
10 effective date of the ordinance, in Board of Supervisors File No. _____, creating this Section.

11
12 Section 3. The Planning Code is hereby amended by revising Sectional Map SU12 of
13 the Zoning Map of the City and County of San Francisco, as follows:

14


<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
All parcels within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280.	Oceanview Large Residence Special Use District

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24 Section 4. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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

7 By: 
8 ROBB W. KAPLA
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/15/2019)

[Planning Code, Zoning Map - Oceanview Large Residence Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Under the Planning Code, residential parcels within the area established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280 ("SUD Area") are subject to RH-1 and RH-2 zoning controls. RH-1 and RH-2 zoning controls do not contain limits on the number of bedrooms allowed, a comparable size ratio for multi-unit properties, or Floor Area Ratio ("FAR") guidelines for dwelling units.

Amendments to Current Law

New development on or expansion of RH-1 or RH-2 zoned parcels within the SUD Area will require a Conditional Use authorization ("CU") from the Planning Commission if the expansion or new development will result in a dwelling unit having: five or more bedrooms; a multi-unit property where the smaller unit is less than 33% of the size of the larger unit, or exceedances of FARs detailed in Table 249.3.

To grant a CU for projects exceeding one or more of these thresholds, the Planning Commission must determine there are facts establishing two or more of the following: (1) the proposed project maximizes allowed density, including allowed ADUs; (2) for projects resulting in five or more bedrooms, there must be no more than three full bathrooms per dwelling unit; (3) the proposed project is compatible with surrounding development in terms of floor area, building scale, and form; or (4) the proposed project does not add new off-street parking areas.

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 3, 2019

File No. 180939-2

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 30, 2019, Supervisor Safai introduced the following substitute legislation:

File No. 180939-2

Ordinance amending the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

joy
navarrete
510

Digitally signed by Joy Navarrete
DN: dc=org, dc=sfgov,
dc=cityplanning, ou=CityPlanning,
ou=Environmental Planning, cn=joy
navarrete,
email=joy.navarrete@sfgov.org
Date: 2019.06.13 13:35:06 -0700



SAN FRANCISCO PLANNING DEPARTMENT

June 20, 2019

Ms. Angela Calvillo, Clerk
Honorable Supervisor Safai
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2018-013861MAP:
Oceanview Large Residence Special Use District
Board File No.180939
Planning Commission Recommendation: Approval

Dear Ms. Calvillo and Supervisor Safai,

On June 13, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Safai that would amend the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr

Aaron D. Starr
Manager of Legislative Affairs

cc:

Robb W. Kapla, Deputy City Attorney
Suha Sandoval, Aide to Supervisor Safai
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20463

HEARING DATE JUNE 13, 2019

Project Name: Oceanview Large Residence Special Use District
Case Number: 2018-013861PCA PCA [Board File No. 180939]
Initiated by: Supervisor Safai / Introduced September 25, 2018
Substituted April 30, 2019
Staff Contact: Diego Sanchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE AND ZONING MAP TO CREATE THE OCEANVIEW LARGE RESIDENCE SPECIAL USE DISTRICT (THE AREA WITHIN A PERIMETER ESTABLISHED BY INTERSTATE 280, ORIZABA AVENUE, BROTHERHOOD WAY, JUNIPERO SERRA BOULEVARD, HOLLOWAY AVENUE, ASHTON AVENUE, OCEAN AVENUE, GENEVA AVENUE AND INTERSTATE 280) TO PROMOTE AND ENHANCE NEIGHBORHOOD CHARACTER AND AFFORDABILITY BY REQUIRING CONDITIONAL USE AUTHORIZATION FOR LARGE RESIDENTIAL DEVELOPMENTS IN THE DISTRICT; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on September 25, 2018 Supervisor Safai introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180939, which would amend the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 6, 2018; and,

WHEREAS, at the December 6, 2018 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to March 7, 2019; and

WHEREAS, at the March 7, 2019 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to April 11, 2019; and

WHEREAS, at the April 11, 2019 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to April 25, 2019; and

WHEREAS, at the April 25, 2019 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to May 9, 2019; and

WHEREAS, on April 30, 2019 a substitute Ordinance was introduced, changing the Ordinance title, Special Use District boundaries, Conditional Use authorization threshold and Conditional Use authorization considerations, among other changes; and

WHEREAS, at the May 9, 2019 regularly scheduled meeting the Commission moved to indefinitely continue the public hearing on the substitute Ordinance; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the substitute Ordinance on June 13, 2019; and,

WHEREAS, the substitute Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the substitute Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves the substitute ordinance.

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. Basing Special Use District boundaries on land use considerations, such as on proximity to post-secondary educational institutions, is much more appropriate than Supervisorial District boundaries. This avoids utilizing the factors for drawing Supervisorial Districts, such as the race of eligible voters to ensure compliance with the Voting Rights Act, in the establishment of Special Use District boundaries.

2. Using a metric such as Floor Area Ratio (FAR) to establish residential buildings size thresholds is beneficial as it considers existing site conditions. This is further enhanced when FAR thresholds are loosened to create incentives to maximize residential density.
3. The proposed Conditional Use authorization considerations facilitate implementation and realization of policy goals because they rely on quantifiable standards or require routine design review.
4. **General Plan Compliance.** The substitute Ordinance is consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed FAR threshold for residential building size in the substitute Ordinance will help steer new development into compatibility with the existing neighborhood character.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The Conditional Use findings and the FAR thresholds for residential buildings in the substitute Ordinance will help assure that new development is compatible with surrounding development. This contributes to the livability and character of residential neighborhoods in the proposed Special Use District.

HOUSING ELEMENT

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

By incentivizing the maximization of residential density, the substitute Ordinance helps create new housing for families, including rental housing.

5. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The substitute Ordinance would have a beneficial effect on neighborhood serving retail because it incentivizes creating additional residential units. These new residential units can house future patrons of the neighborhood-serving retail establishments.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The substitute Ordinance would have a beneficial effect on housing and neighborhood character because it imposes a new CU requirement for residential buildings that exceed a certain floor area ratio and includes as part of the CU a consideration on neighborhood compatibility.

3. That the City's supply of affordable housing be preserved and enhanced;

The substitute Ordinance would have a beneficial effect on the City's supply of affordable housing as it incentivizes the creation of new residential units, some of which may be affordable to a variety of households.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The substitute Ordinance would have neither a positive nor negative effect on MUNI transit service, City streets or neighborhood parking because it concerns itself with imposing a new entitlement process on certain residential development.

5. 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 substitute Ordinance would not affect the future opportunities for resident employment or ownership in the industrial and service sector because it concerns itself with amending limitations on residential development.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of

life in an earthquake;

The substitute Ordinance would not have an effect on the City's preparedness against injury and loss of life in an earthquake as it simply creates a new entitlement process for residential alterations and new construction.

7. That the landmarks and historic buildings be preserved;

The substitute Ordinance would have no effect on the City's Landmarks and historic buildings as it simply creates a new process for residential development that exceeds certain FAR thresholds.

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

The substitute Ordinance would have no positive or negative effect on the City's parks and open space and their access to sunlight and vistas because it concerns itself with imposing a new entitlement process on certain residential development.

6. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

Resolution No. 20463
June 13, 2019

CASE NO.2018-013861PCA PCA
Oceanview Large Residence Special Use District

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the substitute Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 13, 2019.



Jonas P. Ionin
Commission Secretary

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards

NOES: None

ABSENT: None

ADOPTED: June 13, 2019



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text & Zoning Map Amendment

HEARING DATE: JUNE 13, 2019
90-DAY DEADLINE: AUGUST 1, 2019

Project Name: Oceanview Large Residence Special Use District
Case Number: 2018-013861MAP PCA [Board File No. 180939]
Initiated by: Supervisor Safai / Introduced September 15, 2019;
Substituted April 30, 2019
Staff Contact: Diego Sanchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Approval with Modifications

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280; *see map*) to promote and enhance neighborhoods character and affordability by requiring Conditional Use authorization for large residential developments in the district.

The Way It Is Now:

Projects that result in either (a) a Dwelling unit with five or more bedrooms, (b) a Dwelling unit less than 1/3 the size in floor area of the largest Dwelling unit in a multiple dwelling unit project, or (c) a Floor Area Ratio above a specified threshold do not require Conditional Use authorization solely because either of those three attributes.

The Way It Would Be:

Permit applications for Dwelling units that result either in (a) a Dwelling unit with five or more bedrooms, (b) a Dwelling unit less than 1/3 the size in floor area of the largest Dwelling unit in a multiple dwelling unit project, or (c) a Floor Area Ratio above the specified thresholds in the proposed Oceanview Large Residence Special Use District would require Conditional Use authorization.

BACKGROUND

Planning Department Staff (Staff) understands the intention of the Ordinance as two-fold. As outlined in the Ordinance, the first intention is:

“To protect and enhance existing neighborhood character, encourage new infill housing at compatible densities and scale, and provide for thorough assessment of proposed large-scale residences that could adversely impact the area and affordable housing opportunities...”

Through dialogue with the legislative sponsor, Supervisor Safai, Staff understands the second intention is to prevent the use of single-family homes as dormitories or group housing. While this second intention is not identified in the Ordinance, the 278 Monticello case was mentioned as emblematic of the Supervisor’s concerns.

The 278 Monticello Case culminated on June 28, 2018 with the Planning Commission (Commission) taking Discretionary Review (DR) on a building permit application to legalize unpermitted alterations in conjunction with violations at that property.¹ The DR action was the conclusion of a Staff enforcement effort confirming that the Property had been illegally converted into a Group Housing use. The Commission’s DR action required the Property owner to reduce the number of proposed bedrooms from 10 to four and the number of proposed bathrooms from six to three and one-half. The Commission deemed the Property owner’s actions in creating a Group Housing use to be a public nuisance and therefore applied the additional restrictions.

Considering the Supervisor’s concerns; Staff reviewed the number of enforcement complaints related to illegal Dwelling Unit conversions to Group Housing. The Table below illustrates the findings from October 2018. While Supervisorial District 11 has the most complaints, Supervisorial Districts 3, 4 and 10 also had a similar number of complaints.

ENFORCEMENT COMPLAINTS BY SUPERVISORIAL DISTRICT

DISTRICT	No. of COMPLAINTS	PERCENTAGE
1	5	3%
2	11	7%
3	24	14%
4	22	13%
5	10	6%
6	10	6%
7	10	6%
8	12	7%
9	13	8%
10	25	15%
11	27	16%
TOTAL	169	

¹ Discretionary Review Action DRA-0596

On March 7, 2019 the Planning Commission (Commission) heard the original version of the Ordinance. This version included:

1. Special Use District boundaries encompassing the entirety of Supervisorial District 11; and
2. a Conditional Use authorization requirement for projects resulting in a Dwelling Unit exceeding 2,500 square feet in gross floor area or five or more bedrooms.

At the March 7 hearing the Commission expressed the following:

1. a preference for Dwelling Unit controls based on Floor Area Ratio (FAR);
2. a desire to see Conditional Use authorization findings that assure compatibility with surrounding development;
3. that enforcement remedies be pursued to address illegal Student Housing; and
4. suggested that the legislative sponsor work with Staff on these and other amendments.

After providing these comments, the Planning Commission moved unanimously to continue the hearing.

On April 30, 2019 the legislative sponsor substituted the original Ordinance with the version included in this Staff report.

ISSUES AND CONSIDERATIONS

Recent Efforts to Limit Dwelling Unit Size

There have been several initiatives to limit Dwelling Unit size in San Francisco. The Corona Heights Special Use District is one based on neighborhood boundaries. This SUD uses the proportional increase of a home's existing square footage and whether a new Dwelling Unit is added to regulate home sizes.² It also considers existing site conditions and encourages maximizing residential density. The substitute Ordinance has similar characteristics. It now targets a specific geography and bases land use controls on existing lot conditions, building size or added Dwelling Units.

Another was the Planning Department led Residential Expansion Threshold (RET), abandoned in 2017 due to significant opposition. RET sought to limit the size of Dwelling Units based on Floor Area Ratio (FAR). It also encouraged increasing density by providing more FAR to projects maximizing their allowable residential density. The substitute Ordinance also uses FAR to control Dwelling Unit size and offers additional area for added residential density, including for adding Accessory Dwelling Units.

Special Use District (SUD) Boundaries

The basis for selecting SUD boundaries is quite different than that for supervisorial districts. In drawing supervisorial district boundaries, the City is legally required to consider the race of the eligible voters in each district to ensure compliance with the Voting Rights Act. Drawing SUD boundaries to limit home sizes, for example, that mimic supervisorial district boundaries would be inappropriate. Instead SUD boundaries should be based on factors such as proximity to existing land uses, neighborhood topography, or presence of cultural and architectural resources. The substitute Ordinance is proposing SUD boundaries that encompass specific neighborhoods, including Oceanview, Ingelside and Merced Heights. These neighborhoods either border or are near San Francisco State University and City College of San Francisco, two prominent post-secondary educational institutions.

² Planning Code Section 249.77

Proposed Additional Conditional Use Considerations

The proposed Conditional Use (CU) authorization requirements in the Ordinance require the Planning Commission to consider whether a project establishes at least two of the following:

- The proposed project maximizes allowed density, including allowed Accessory Dwelling Units;
- The proposed project is compatible with surrounding development in terms of floor area, building scale, and form;
- If the proposed project results in five or more bedrooms in any dwelling unit, no dwelling unit contains more than three bathrooms;
- The proposed project does not add new off-street parking areas.

These findings are easily implemented as each is either quantifiable or otherwise routinely discerned from plan review. These findings also meet various City policies and goals, including encouraging the production of new housing stock, preserving neighborhood character, and promoting the transit-first policy in the City's Charter.

Regulating Dwelling Units: Definition, and Allowed Locations, Sizes, and Users

Definition of a Dwelling Unit

Planning Code Section 102 defines a Dwelling Unit as a Residential Use designed for, or occupied by, one family doing its own cooking and having only one kitchen. This Residential Use is the most common type in San Francisco. It is found in single-family homes and multifamily buildings throughout the City.

Dwelling Unit Permissibility and Size in RH Zoning Districts

In RH districts, the number of Dwelling Units permitted per lot is generally limited by a fixed density. For instance, an RH-2 zoning district allows two units per lot, and an RH-3 zoning district allows three units per lot. The size of a building in an RH Zoning District is limited by height and setback controls, and not based on FAR. The Department also applies applicable design guidelines, including the Residential Design Guidelines, to regulate building scale and form and architectural details.³

Except for limiting the number of kitchens to one per unit, the Planning Code does not regulate the interior layout of Dwelling Units in RH districts. Similarly, the Residential Design Guidelines do not regulate a building's interior layout, the one exception being the layout of the garage. During permit review, Staff does make suggestions on floor plan layouts, but has limited purview over interior features, including on the number of bedrooms.

Allowed Users of Dwelling Units

The Planning Code does not prohibit the renting of rooms in a Dwelling Unit. A family of any size may share a Dwelling Unit with three unrelated housemates. The Planning Code also allows a group of five or more unrelated persons to occupy a Dwelling Unit. To do so, this group of unrelated persons must demonstrate that they (a) have control over their composition, (b) prepare and consume their meals collectively, and (c) determines its own rules and utilization of the residential space.⁴ Further, the

³ Planning Code Section 209.1, Table 209.1; Planning Code Section 311(c)(1)

⁴ Definition of Family, Planning Code Section 102

Planning Code allows any Residential Use, including Dwelling Units, to house students. Taken together, Staff lacks free rein to regulate the users of a Dwelling Unit, and the associated number of bedrooms.

Implementing Bedroom Count Thresholds

Regulating the number of bedrooms in a Dwelling Unit is difficult. During permit review an applicant may misrepresent a bedroom in several ways, including labeling it as storage, a home entertainment room, or an accessory home office. The Department cannot prohibit the use of residential space for any of these purposes. An applicant may also propose large bedrooms with intention of dividing them after permit issuance, increasing the number of bedrooms from what was approved by Planning. In these ways an applicant may circumvent thresholds on allowed bedrooms.

It is also important to note that the use of rooms in a dwelling may change over time. As a family grows or in-laws move in, a dining room, for example, is often converted to a bedroom. The Department has no way of regulating this unless the property owner seeks an administrative permit to update the recorded bedroom count. When this conversion results in a bedroom count that requires CU, it may be overly optimistic to assume property owners will consistently come forth to do so.

Enforcement of the Use of Dwelling Units

Assuring that Dwelling Units are not used for unauthorized or prohibited uses is handled through the enforcement process. This includes illegally using Dwelling Units as Group Housing. The Planning Department's enforcement division actively responds to complaints about alleged misuse of Dwelling Units through site visits and communication with property owners and occupants. The Department's enforcement staff may also collaborate with staff from other City agencies. This occurs when complaints about the use of Dwelling Units involves specific quality of life issues. For example, loud music, overcrowding, and excessive number of pets are typically dealt with through other codes, including the Police, Housing or Public Health Codes.

It is also important to note that the occupants of any Dwelling Unit, including the sole occupant of a single-family home, may create a public nuisance. The Department is unaware of a direct link between the number of building occupants and a decrease in quality of life. In fact, San Francisco is home to many desirable, residentially dense neighborhoods replete with multifamily buildings.

General Plan Compliance

The substitute Ordinance and proposed modifications are, on balance, in harmony with the Objectives and Policies of the General Plan. The FAR thresholds and CU findings will help steer residential development into compatibility with surrounding buildings, in alignment with the Urban Design Element. The incentives to add residential units as part of developing buildings with larger FAR helps create add to the City's residential housing stock, including its family and rental housing stock, in alignment with the Housing Element.

Implementation

For the reasons stated above, the Department finds that the bedroom limitation in the proposed Ordinance will be difficult to implement and potentially unenforceable.

RECOMMENDATION

The Department recommends that the Commission *approve with modification* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

The proposed modification is to eliminate the bedroom count limits and instead explore creating a robust inter-departmental enforcement program to address public nuisance complaints within the boundaries of the proposed SUD.

BASIS FOR RECOMMENDATION

The Department is in general support of the substitute Ordinance. The amended SUD boundaries are based on a land use rationale, instead of supervisorial districts. Basing dwelling unit size thresholds on FAR considers existing site conditions and, as proposed, incentivizes maximizing residential density. The CU findings in the substitute Ordinance are now much easier to implement, as they are based on quantifiable measures or routine design review. Yet, despite the changes in the substitute Ordinance, the Department maintains strong concerns about the proposed bedroom count regulation.

Recommendation 1: Eliminate the bedroom count limit and instead explore creating a robust inter-departmental enforcement program to address public nuisance complaints within the boundaries of the proposed SUD. Bedroom count regulations are easily circumvented by mislabeling bedrooms during Planning Department plan review. This fact renders them ineffective. Within existing homes, limits on bedroom counts fail to recognize how residential spaces are used in a space-constrained city like San Francisco. Over time the use of rooms changes according to need. Requiring homeowners to obtain CU should they exceed the bedrooms count threshold is unnecessarily burdensome, especially for a single room conversion. It is also overly optimistic to expect homeowners to consistently come forth and seek CU for this type of project. Further, there is no absolute link between bedroom count and an increase in public nuisance. Unruly occupants in any sized residence can easily create a public nuisance. Conversely, it is possible that a multi-generational household in a multi-bedroom Dwelling Unit become an asset to a neighborhood. Maintaining quality of life in a neighborhood often requires enforcing the City's other Municipal and Building Codes. In this light, exploring the creation of a robust inter-agency effort to address public nuisance within the SUD is a preferred option.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received dozens of telephone calls enquiring about the proposed Ordinance and three letters. Most telephone calls sought clarification about the proposed Ordinance's effect on existing housing. Telephone calls in support applauded the intention to reduce the size and intensity of use of residences in Supervisorial District 11. Telephone calls in opposition expressed concern about the proposed Ordinance's effect on rental housing production and of potential infringement on property rights. A common theme of the two letters in opposition is the need for nuanced controls on residential property that encourage density and do not aggravate the current housing shortage. A third letter calls for increased review of increasing density and renovations on neighborhood character and quality of life

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Oceanview Special Use District boundaries
- Exhibit C: Letters of Opposition to Original Ordinance
- Exhibit D: Board of Supervisors File No. 180939

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 3, 2018

File No. 180939

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 25, 2018, Supervisor Safai submitted the proposed legislation:

File No. 180939

Ordinance amending the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning, ou=Environmental Planning, email=joy.navarrete@sfgov.org, c=US
Date: 2018.11.01 16:38:48 -07'00'

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

1 [Approval of a 90-Day Extension for Planning Commission Review of District 11 Large
2 Residence Special Use District (File No. 180939)]

3 Resolution extending by 90 days the prescribed time within which the Planning
4 Commission may render its decision on an Ordinance (File No. 180939) amending the
5 Planning Code and Zoning Map to create the District 11 large residence Special Use
6 District (the area within a perimeter established by Interstate 280, Orizaba Avenue,
7 Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean
8 Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate
9 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive,
10 Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street,
11 western boundary of John McLaren Park, La Grande Avenue, western boundary of
12 John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive,
13 and the southern boundary of San Francisco) to promote and enhance neighborhood
14 character and affordability by requiring conditional use authorization for large
15 residential developments in the District; affirming the Planning Department's California
16 Environmental Quality Act determination; making findings of consistency with the
17 General Plan, and the eight priority policies of Planning Code, Section 101.1; and
18 adopting findings of public necessity, convenience, and welfare under Planning Code,
19 Section 302.

20
21 WHEREAS, On September 25, 2018, Supervisor Safai introduced legislation amending
22 Planning Code and Zoning Map to create the District 11 Large Residence Special Use District
23 (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way,
24 Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern
25 border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook

1 Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver
2 Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John
3 McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva
4 Avenue, Linda Vista steps, Lapham Way, Robinson Drive, and the southern boundary of San
5 Francisco) to promote and enhance neighborhood character and affordability by requiring
6 conditional use authorization for large residential developments in the district; affirming the
7 planning department's California Environmental Quality Act determination; making findings of
8 consistency with the General Plan, and the eight priority policies of Planning Code, Section
9 101.1; and adopting findings of public necessity, convenience, and welfare under Planning
10 Code, Section 302; and

11 WHEREAS, On or about October 3, 2018, the Clerk of the Board of Supervisors
12 referred the proposed Ordinance to the Planning Commission; and

13 WHEREAS, The Planning Commission shall, in accordance with Planning Code,
14 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
15 of referral of the proposed amendment or modification by the Board to the Commission; and

16 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
17 constitute disapproval; and

18 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d), may, by
19 Resolution, extend the prescribed time within which the Planning Commission is to render its
20 decision on proposed amendments to the Planning Code that the Board of Supervisors
21 initiates; and

22 WHEREAS, The Board, on December 11, 2018, adopted Resolution No. 438-18 which
23 extended the Planning Department original review by 90 days; and
24
25

1 WHEREAS, Supervisor Safai has requested additional time for the Planning
2 Commission to review the proposed Ordinance; and

3 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
4 Commission additional time to review the proposed Ordinance and render its decision; now,
5 therefore, be it

6 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
7 within which the Planning Commission may render its decision on the proposed Ordinance for
8 approximately 90 additional days, until June 30, 2019.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190297

Date Passed: March 19, 2019

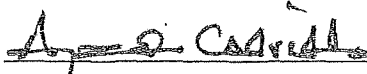
Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 180939) amending the Planning Code and Zoning Map to create the District 11 large residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco) to promote and enhance neighborhood character and affordability by requiring conditional use authorization for large residential developments in the District; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.


March 19, 2019 Board of Supervisors - ADOPTED


Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190297

I hereby certify that the foregoing Resolution was ADOPTED on 3/19/2019 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor


Date Approved

1 [Approval of a 90-Day Extension for Planning Commission Review of District 11 Large
2 Residence Special Use District (File No. 180939)]

3 Resolution extending by 90 days the prescribed time within which the Planning
4 Commission may render its decision on an Ordinance (File No. 180939) amending the
5 Planning Code and Zoning Map to create the District 11 large residence Special Use
6 District (the area within a perimeter established by Interstate 280, Orizaba Avenue,
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12 John McLaren Park, Geneva Avenue, Linda Vista steps, Lapham Way, Robinson Drive,
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14 character and affordability by requiring conditional use authorization for large
15 residential developments in the district; affirming the Planning Department's California
16 Environmental Quality Act determination; making findings of consistency with the
17 General Plan, and the eight priority policies of Planning Code, Section 101.1; and
18 adopting findings of public necessity, convenience, and welfare under Planning Code,
19 Section 302.

20
21 WHEREAS, On September 25, 2018, Supervisor Safai introduced legislation amending
22 Planning Code and Zoning Map to create the District 11 Large Residence Special Use District
23 (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way,
24 Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern
25 border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook

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3 McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva
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7 planning department's California Environmental Quality Act determination; making findings of
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9 101.1.; and adopting findings of public necessity, convenience, and welfare under Planning
10 Code, Section 302; and

11 WHEREAS, On or about October 3, 2018, the Clerk of the Board of Supervisors
12 referred the proposed ordinance to the Planning Commission; and

13 WHEREAS, The Planning Commission shall, in accordance with Planning Code
14 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
15 of referral of the proposed amendment or modification by the Board to the Commission; and

16 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
17 constitute disapproval; and

18 WHEREAS, The Board, in accordance with Planning Code Section 306.4(d) may, by
19 Resolution, extend the prescribed time within which the Planning Commission is to render its
20 decision on proposed amendments to the Planning Code that the Board of Supervisors
21 initiates; and

22 WHEREAS, Supervisor Safai has requested additional time for the Planning
23 Commission to review the proposed Ordinance; and

24
25

1 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
2 Commission additional time to review the proposed Ordinance and render its decision; now,
3 therefore, be it

4 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
5 within which the Planning Commission may render its decision on the proposed Ordinance for
6 approximately 90 additional days, until April 1, 2019.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 181190

Date Passed: December 11, 2018


Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 180939) amending the Planning Code and Zoning Map to create the District 11 large residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco) to promote and enhance neighborhood character and affordability by requiring conditional use authorization for large residential developments in the district; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

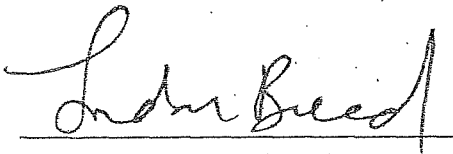
December 11, 2018 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 181190

I hereby certify that the foregoing Resolution was ADOPTED on 12/11/2018 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor


Date Approved

180939

*STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CALIFORNIA 94112
415-587-9150*

July 12, 2019

Supervisors Aaron Peskin, Ahsha Safai, Matt Haney
San Francisco Board of Supervisors
Land Use and Transportation Committee
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**RE: Land Use and Transportation Committee
Committee Hearing: Monday, July 15, 2019
Item Number : 3, 180939
OCEANVIEW LARGE RESIDENCE SPECIAL USE DISTRICT**

Dear Supervisors:

This letter supports the item referenced above in support for limited number of bedrooms in certain dwelling units. This seems to be a no brainer and limiting mini-mansions and the high number of bedrooms in one single family dwelling unit is unconscionable and disrespect in certain neighborhoods such as the one proposed in the Ocean View Neighborhood.

On such a recent occasion, the dwelling unit next door to me, a single family residential unit, the new owner of the house proceeded to remodel his whole house with a single permit to upgrade a bathroom. All in all, he began to gut the entire house beginning of May of 2018. Notices of Violation (NOV) was filed along with a NOV by the Planning Department. The owner/contractor proceeded to pull and additional nine building permits to and including at nine bedrooms and six plus bathrooms making no provisions for an underground floor in the garage space. A complaint was filed, a director's hearing was held with the owner/contractor failed to

Supervisors Aaron Peskin, Ahsha Safai, Matt Haney

July 12, 2019

Page Two

show up. The owner was fined and a cease and desist order was posted. The owner/contractor then filed new permit applications. Myself, my partner, two sets of neighbors filed a suit (Board of Appeals action). The items in the complaint were settled to five bedrooms and four bathrooms, a drainage systems below the garage floor, one parking space in the garage, full landscaping on the property, and no concrete between the properties. Supervisor Ahsha Safai's office was contacted, and in contact, and was supportive in this process. This was occurring at the same time the 278 Monticello case was being adjudicated through this body.

It is very disrespectful and against City Code to build without proper permits, without neighborhood notifications, and blindsiding the City and County of San Francisco.

I fully support this ordinance and amend the planning and the zoning map.

///

///

///

Supervisors Aaron Peskin, Ahsha Safai, Matt Haney

July 12, 2019

Page Three

Additionally, I would further support that fines and penalties be increased accordingly. Additionally to this ordinance and Zoning Map Resolution, I would be and look forward to this be implemented throughout of District 11.

Very truly yours,

Steven R. Currier

CC: The Honorable London Breed
Monica Chinchilla, Legislative Aide, Supervisor Safai
Suhagey Sandoval, Aide, Supervisor Safai
Robert Baker/Noelle Baker
Desmond O'Reilley/Karen O'Reilley
Patrick Oriordan, Chief Building Inspector
William Strawn, Senior Building Inspector
Edward Sweeney, Senior Building Inspector
Mauricio Hernandez, Senior Building Inspector
Gary Ho, Chief, Building Inspector
John Rahaim, Director, San Francisco Planning
Mary Harris, Chair, District 11 Council

180939

From: Theodore <public@theodr.net>
Sent: Monday, July 15, 2019 11:24 AM
To: Major, Erica (BOS)
Cc: Peskin, Aaron (BOS); Safai, Ahsha (BOS); Haney, Matt (BOS)
Subject: Oppose 180939: Oceanview Large Residence Special Use District

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Land Use and Transportation Committee,

I am writing to express my opposition to the special-use district. We have a real problem of homes becoming unaffordable to the families of the Oceanview neighborhood, while existing homes are expanded and subdivided into illegal rooming houses. I appreciate how this legislation is designed to maximize the number of dwelling units within zoning, but I think it will have harmful effects on housing affordability.

The obvious trigger was the illegal subdivision of 278 Monticello into 13 bedrooms for student housing. This illustrates the severity of the student housing crisis. Oceanview sits between the city's 2 public undergraduate colleges, which are still expanding, and we need to build more housing affordable to students. Preferably in transit-rich neighborhoods so the students can go to college and do other activities without driving. With bedrooms more difficult to add, the students would compete even more strongly with families for scarce existing housing, driving UP the cost of housing and driving down how nice the housing is.

In the absence of new construction, since we have homeless students NOW not in 5 to 10 years when new construction might come online, we really should be LEGALIZING student housing in single-family homes. Punish Andy Chen, but make it possible for students to live. This is a severe violation of the way we do zoning in this neighborhood, but the way we do zoning is bad.

As a human, existing should not be a crime. Existing in a house is not what makes problems. We get problems when we have inadequate services and lack of consideration for neighbors. When existing is criminalized, then we are pushed into committing other crimes, especially inadequate trash service, and we are disincentivized to report antisocial behavior. When existing is legal, then we can work together.

In summary, right priority, wrong approach. Please reject the Oceanview Large Residence Special Use District.

Sincerely,
Theodore Randolph
Voter in District 11

180939

From: Board of Supervisors, (BOS)
Sent: Monday, December 10, 2018 11:23 AM
To: Major, Erica (BOS)
Subject: FW: SF BOS Land - Use

From: Aaron Goodman <amgodman@yahoo.com>
Sent: Monday, December 10, 2018 11:16 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: SF BOS Land - Use

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

SFBOS

As I am unable to attend today's hearing please see the attached comments regarding legislation at the SF BOS Land-Use

12.10.18

180939 - SFBOS Land Use Item on D11 proposed changes. My main concern is that we have not seen equitable investment in public transit in D11, and as Balboa Park Station is the second largest capacity station outside the downtown, it begs to ask the question where is there significant studies and planning related to growth outside the downtown areas. With the proposed increase in allowable density in D11 and no conditional use impact assesment proposed it is key to levy taxes and adequate cost/benefit analysis on the density impacts and cumalative growth of the housing that will be developed by this legislation. Geneva-Harney (LRV light-rail / trackless trains to Balboa Park Station could be part of the solution) but only if implemented as part of these smaller legislations if they couple the development allowances with adequate targeted funding for planning and improved development pipeline projects, for transportations, new libraries, schools, and public pools and parks. Please consider the impacts of denser urban growth in relation to EXISTING housing and that many of these projects shadow yards, and create animosity with existing neighbors, processes should remain that mandate outreach and proper and adequate presentation of impacts. Neighbors should have the right to contest or oppose a project if it directly impacts their back-yards and light/sun on garden areas. Designs should be developed that limit where and how additions or complete teardown remodels impact adjacent properties. Architectural review panels in the districts should be created, as many homes lack detail, or well designed facades and rear yard components, often leaving walls blank and unadorned. Efforts to make facades more detailed and scaled to the surrounding properties should be part of the discussion.

180970 - Housing Balance Report - again indicated directly the concerns about institutional growth and housing impacts in multiple districts due to loss to institutional masterplanning growth and redevelopment which do not address the loss of housing prior in D11 (Stonestown Apartments / UPN and Parkmerced / UPS) that annexed a large portion of housing without due process or re-dress of the loss of housing. It is critical to address the loss of

rental housing stock in SF, and devise a plan that ensures new larger housing complexes that advocate for affordable rental garden apartment communities are developed with shared amenities and open space. If land is not available anymore, that acquisition of parcels and or project buildings in entitlement should be the next steps, buying back land and buildings built for SF housing stock need.

This needs again to be coupled with infrastructural growth impacts, cumulative impacts, and the concerns of a city ignoring transit bandwidth, linkage and connectivity across the city to deal with expanded population growth.

Thank you for addressing these issues at the 1:30pm meeting, and follow up at the SFBOS

Sincerely

Aaron Goodman D11

See the article below;

[SF keeps losing affordable housing | 48 hills](#)

BoS Districts	Net New Affordable Housing Built	Rehabilitations & Small Sites Completed	Units Removed From Protected Status	Total Entitled Affordable Units Permitted	Total Net New Units Built	Total Entitled Units	Cumulative Housing Balance
BoS District 1	170	5	(527)	4	336	155	-70.5%
BoS District 2	45	24	(315)	2	375	189	-23.3%
BoS District 3	209	6	(313)	6	331	244	-7.8%
BoS District 4	-	-	(462)	7	28	136	-277.4%
BoS District 5	601	293	(359)	162	1,443	646	33.4%
BoS District 6	3,406	1,137	(146)	1,122	16,613	6,260	24.1%
BoS District 7	99	-	(236)	-	553	1,101	-8.3%
BoS District 8	244	28	(605)	90	1,413	328	-14.0%
BoS District 9	210	406	(606)	406	948	919	22.3%
BoS District 10	1,565	-	(295)	1,354	4,694	3,941	32.6%
BoS District 11	28	21	(395)	9	161	317	-70.5%

SF keeps losing affordable housing | 48 hills

Plus: The future of a municipal bank, Free City College forever .. and look at which public officials are support...

180939

From: Yonathan <yonathan@gmail.com>
Sent: Wednesday, November 28, 2018 11:45 PM
To: Sanchez, Diego (CPC); Major, Erica (BOS); CPC-Commissions Secretary
Subject: Don't ban 5-bedroom homes

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Planning Commission and Board of Supervisors:

This is in regards to Leg Ver1 (from File 180939) of the proposed ordinance creating a "D11 Large Residence Special Use District." Within this district, on any RH-1, RH-2, or RH-3 parcel, any proposed creation or expansion of a house resulting in at least 5 bedrooms or 2,500 gross square feet of floor area would require a Conditional Use hearing from the Planning Commission to determine whether the project is "necessary or desirable" (PC §102) prior to approval. The legislation is scheduled to appear before the Planning Commission on 12/6/2018 and the BoS Land Use Committee 12/10/2018.

This legislation is a reaction to a Discretionary Review that the Planning Commission heard on 6/28/2018 (2014-001994DRP, Laura Waxman, SF Examiner: "Planning Commission, supervisors condemn landlord for unpermitted student housing") for 278 Monticello St, a 2792 sq. ft. house with 13 bedrooms (only 6 permitted bedrooms) that were used for student housing. The lot is zoned RH-1 and there is no Residential Permit Parking zone in the vicinity. At the hearing, neighbors complained of loss of street parking, loud parties, drunkenness, litter, and the disturbance of the "neighborhood character." The Planning Commission decided to scale the project down to 4 bedrooms and 3 bathrooms to punish the owner for the unpermitted construction.

Respectfully, I disagree with the approach of this ordinance.

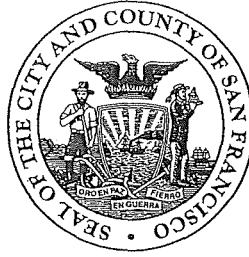
For one thing, the boundaries of the proposed district appear to trace the *old* District 11 boundaries from the 2002 redistricting (which includes several more blocks in the Ingleside) rather than the new boundaries from the 2012 redistricting (SF Charter Appendix E). It's unclear why the 2002 District 11 boundaries should be used, or indeed why District 11 should be singled out at all.

For another thing, I am not convinced that it will be particularly effective at the intended effect of reducing the number of people living in each house. The ordinance does not define "bedroom," and it is likely that owners will simply create living rooms and other odd spaces to rent out when a real bedroom would be more healthy for the occupants.

But more importantly, we as a city need to stop reaching for the same old hammer of limiting residential density as the solution to our City's individual problems. San Francisco's neighborhoods have a wide range of densities, so it is ironic that we acquiesce to fears of density and change, when only a few miles away other neighborhoods have gone through similar transitions. By all means, address the specific problems such as unpermitted construction enforcement, noise, and managing the on-street parking. But preventing living space should be the last tool we use, not the first, and only after careful consideration of how our city needs to grow in the coming decades.

Yonathan Randolph

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 3, 2019

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 30, 2019, Supervisor Safai introduced the following substitute legislation:

File No. 180939-2

Ordinance amending the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Acting Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning 541

BOARD of SUPERVISORS



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May 3, 2019

File No. 180939-2

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

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File No. 180939-2

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 3, 2018

File No. 180939

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 25, 2018, Supervisor Safai submitted the proposed legislation:

File No. 180939

Ordinance amending the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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October 3, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

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File No. 180939

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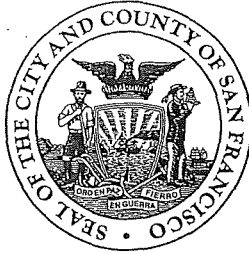
Angela Calvillo, Clerk of the Board

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By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- AnMarie Rodgers, Director of Citywide Planning
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, December 10, 2018

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subjects: File No. 180939. Ordinance amending the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, December 7, 2018.

A handwritten signature in cursive script, appearing to read "Angela Calvillo".

for Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, July 15, 2019

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subjects: File No. 180939. Ordinance amending the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter are available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 12, 2019.


f Angela Calvillo, Clerk of the Board

DATED/POSTED: July 3, 2019
PUBLISHED: July 5, 2019

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2019 APR 30 PM 2:17
 Time stamp or meeting date
 AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [180939]
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Ahsha Safai

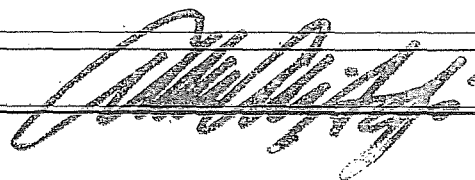
Subject:

[Planning Code, Zoning Map -- Oceanview Large Residence Special Use District]

The text is listed:

Ordinance amending the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 2.

Signature of Sponsoring Supervisor:



Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2018 SEP 25 PM 2:43
Time stamp

BY R or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
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Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Ahsha Safai

Subject:

Planning Code, Zoning Map -- District 11 Large Residence Special Use District

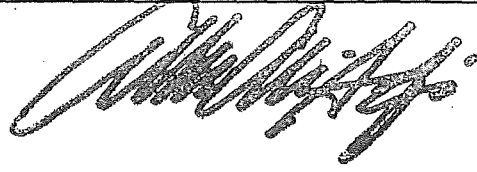
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Signature of Sponsoring Supervisor:

[Empty rectangular box for signature]

For Clerk's Use Only

A handwritten signature in black ink, appearing to be "C. M. [unclear]", written in a cursive style.

