

File No. 160032

Committee Item No. _____

Board Item No. 49

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: January 26, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Ordinance in BOS File No. 151083</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: John Carroll

Date: January 21, 2016

Prepared by: _____

Date: _____

1 [Approval of a 90-Day Extension for Planning Commission Review of an Ordinance Permitting
2 Affordable Housing as a Principal Use in the Public Zoning District (File No. 151083)]

3 **Resolution retroactively extending by 90 days from the completion of environmental**
4 **review the prescribed time within which the Planning Commission may render its**
5 **decision on an Ordinance (File No. 151083) amending the Planning Code to permit**
6 **affordable housing as a principal use in the Public zoning district; affirming the**
7 **Planning Department’s determination under the California Environmental Quality Act;**
8 **making Planning Code, Section 302, findings; and making findings of consistency with**
9 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

10
11 WHEREAS, On October 27, 2015, Supervisor Wiener introduced legislation amending
12 the amending the Planning Code to permit affordable housing as a principal use in the Public
13 zoning district; affirming the Planning Department’s determination under the California
14 Environmental Quality Act (CEQA); making Planning Code, Section 302, findings; and making
15 findings of consistency with the General Plan, and the eight priority policies of Planning Code,
16 Section 101.1; and

17 WHEREAS, On or about October 27, 2015, the Clerk of the Board of Supervisors
18 referred the proposed ordinance to the Planning Commission; and

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

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

24 WHEREAS, State law (CEQA) prevents government entities from taking discretionary
25 approval actions until CEQA review is complete; and

1 WHEREAS, The proposed ordinance would require a more in-depth environmental
2 review than is typically necessary for ordinances that amend the Planning Code; and

3 WHEREAS, The prescribed time within which the Planning Commission may render its
4 decision on this ordinance ends on approximately January 25, 2016; and

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

9 WHEREAS, The Supervisor Wiener's Office has requested additional time for the
10 Planning Commission to review the proposed Ordinance; and

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

14 RESOLVED, That by this Resolution, the Board hereby retroactively extends the
15 prescribed time within which the Planning Commission may render its decision on the
16 proposed Ordinance for 90 days from the completion of environmental review.
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1 [Planning Code - Affordable Housing Review Process]

2
3 **Ordinance amending the Planning Code to provide administrative review of affordable**
4 **housing, permitting it as a principal use, and not requiring a Planning Commission**
5 **hearing, with certain exceptions; affirming the Planning Department's determination**
6 **under the California Environmental Quality Act; making public necessity, convenience,**
7 **and welfare findings under Planning Code, Section 302; and making findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code**
9 **Section 101.1.**

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

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance are categorically exempt from the California Environmental Quality Act (California
21 Public Resources Code Sections 21000 et seq.) under CEQA Guidelines Section 15060(c).
22 Said determination is on file with the Clerk of the Board of Supervisors in File No. 150914 and
23 is incorporated herein by reference. The Board affirms this determination.

24 (b) The actions contemplated in this ordinance are consistent, on balance, with the
25 City's General Plan, in particular the policies set forth in the Housing Element, as follows.

1 OBJECTIVE 8: Build public and private sector capacity to support, facilitate, provide
2 and maintain affordable housing.

3 POLICY 8.1: Support the production and management of permanently affordable
4 housing.

5 An expedited process for the approval of 100% Affordable Housing supports the
6 production and management of permanently affordable housing as these units would come
7 online faster than the current regulatory process.

8 OBJECTIVE 10: Ensure a streamlined, yet thorough, and transparent decision-making
9 process.

10 POLICY 10.1: Create certainty in the development entitlement process, by providing
11 clear community parameters for development and consistent application of these regulations.

12 POLICY 10.2: Implement planning process improvements to both reduce undue
13 project delays and provide clear information to support community review.

14 Providing a clear and certain administrative path for 100% Affordable Project allows the
15 project to move forward without undue delays and relies on existing Planning Code sections
16 which provide clear parameters for community review.

17 (c) The actions contemplated in this ordinance are consistent, on balance, with the
18 eight priority policies of Planning Code Section 101.1, as follows.

19 1. That existing neighborhood-serving retail uses be preserved and enhanced and
20 future opportunities for resident employment in and ownership of such businesses enhanced:
21 The proposed amendments will not have a negative effect on neighborhood serving retail
22 uses and will not affect opportunities for resident employment in and ownership of
23 neighborhood-serving retail.

24 2. That existing housing and neighborhood character be conserved and protected in
25 order to preserve the cultural and economic diversity of our neighborhoods: The proposed

1 amendments will not affect existing housing and neighborhood character as existing design
2 controls still apply to these projects.

3 3. That the City's supply of affordable housing be preserved and enhanced: The
4 proposed amendments will not affect the supply of affordable housing and in fact could
5 produce units at a faster rate.

6 4. That commuter traffic not impede MUNI transit service or overburden our streets or
7 neighborhood parking: The proposed amendments will not result in commuter traffic impeding
8 MUNI transit service or overburdening the streets or neighborhood parking.

9 5. That a diverse economic base be maintained by protecting our industrial and
10 service sectors from displacement due to commercial office development, and that future
11 opportunities for resident employment and ownership in these sectors be enhanced: The
12 proposed amendments will not cause displacement of the industrial or service sectors due to
13 office development, and future opportunities for resident employment or ownership in these
14 sectors would not be impaired.

15 6. That the City achieve the greatest possible preparedness to protect against injury
16 and loss of life in an earthquake: The proposed amendments will not negatively affect
17 preparedness in the case of an earthquake.

18 7. That the landmarks and historic buildings be preserved: The proposed
19 amendments will not negatively affect Landmarks and historic buildings.

20 8. That our parks and open space and their access to sunlight and vistas be protected
21 from development: The proposed amendments will not affect the City's parks and open space
22 and their access to sunlight and vistas.

23 (d) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
24 amendments will serve the public necessity, convenience and general welfare.

1 Section 2. The Planning Code is hereby amended by adding section 315, to read as
2 follows:

3 **SEC. 315 AFFORDABLE HOUSING PROJECT AUTHORIZATION.**

4 (a) Purpose. The purpose of this Section 315 is to ensure that any project where the principal
5 use is affordable housing, defined in subsection (b) as an Affordable Housing Project, is reviewed in
6 coordination with relevant priority processing and design guidelines.

7 (b) Applicability. Notwithstanding anything to the contrary contained in this Planning Code,
8 this Section 315 shall apply to any project where the principal use is housing comprised solely of
9 housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or
10 moderate income," as defined in California Health & Safety Code Section 50093 (an "Affordable
11 Housing Project"). The Affordable Housing Project shall be considered a principally permitted use
12 and shall comply with the administrative review procedures set forth in this Section and shall not
13 require conditional use authorization or a Planning Commission hearing that otherwise may be
14 required by the Planning Code, provided that the site is not designated as public open space, is not
15 under the jurisdiction of the Recreation and Park Department, is not located in a zoning district that
16 prohibits residential uses, or is not located in an RH zoning district.

17 (1) If a conditional use authorization or other Planning Commission approval is
18 required for provision of parking, where the amount of parking provided exceeds the base amount
19 permitted as accessory in Planning Code Article 1.5, such requirement shall apply.

20 (2) If an Affordable Housing Project proposes demolition or change in use of a general
21 grocery store or movie theatre, this Section shall not apply.

22 (3) If a non-residential use contained in any proposed project would require conditional
23 use authorization, such requirement shall apply unless the non-residential use is accessory to and
24 supportive of the affordable housing on-site.

25 (c) Review Process.

1 (1) In lieu of any otherwise required Planning Commission hearing, the Planning
2 Department shall administratively review and evaluate the physical aspects of an Affordable Housing
3 Project and review such projects in coordination with relevant priority processing and design
4 guidelines. An Affordable Housing Project may seek exceptions to Planning Code requirements that
5 may be available through the Planning Code, including but not limited to sections 253, 303, 304, 309,
6 and 329, without a Planning Commission hearing, and the Planning Department may permit such
7 exceptions if it makes the findings otherwise required by the Planning Code.

8 (2) This administrative review shall be identical in purpose and intent to any Planning
9 Commission review that would otherwise be required by the Planning Code, including but not limited
10 to Sections 253, 303, 304, 309 or 329, and an Affordable Housing Project may seek the exceptions set
11 forth in the Planning Code. If an Affordable Housing Project would otherwise be subject to such
12 Planning Code provisions, the Planning Department shall consider all the criteria set forth in such
13 Planning Code sections and shall make all required findings in writing when it approves, modifies,
14 conditions, or disapproves an Affordable Housing Project.

15 (3) Decision and Imposition of Conditions. The Planning Department, after making
16 appropriate findings, may approve, disapprove or approve subject to conditions the Affordable
17 Housing Project and any associated requests for exceptions. As part of its review and decision, the
18 Planning Department may impose additional conditions, requirements, modifications, and limitations
19 on a proposed Affordable Housing Project in order to achieve the objectives, policies, and intent of the
20 General Plan or the Planning Code. Such approval or disapproval shall be made in writing and mailed
21 to the project sponsor and individuals or organizations who so request.

22 (4) Change of Conditions. Once a project is approved, authorization of a change in any
23 condition previously imposed by the Planning Department shall require approval by the Planning
24 Director subject to the procedures set forth in this Section 315.

1 (5) Discretionary Review. This Section 315 is not intended to alter the procedures for
2 requests for Discretionary Review by the Planning Commission.

3
4 Section 3. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 KATE H. STACY
14 Deputy City Attorney

15 n:\leganas2016\1600067\01073135.docx



Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
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.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) 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 a Imperative Form.

Sponsor(s):

Wiener

Subject:

Retroactive Approval of a 90-Day Extension from the Completion of Environmental Review for Planning Commission Review of the Ordinance Permitting Affordable Housing as a Principal Use in the Public Zoning District (File No. 151083)]

The text is listed below or attached:

Resolution retroactively extending by 90 days from the completion of environmental review the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 151083) amending the Planning Code to permit affordable housing as a principal use in the Public zoning district; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302, findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor:

Scott Wiener

or Clerk's Use Only:

