File No. 171013 Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation **Date** February 12, 2018

Board of Supervisors Meeting **Date** _____

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Completed by: Victor Young **Date** February 8, 2018
Completed by: _____ **Date** _____

[Planning Code, Zoning Map - Amend Zoning Map Pursuant to Settlement]

Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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.

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

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 171013 and is incorporated herein by reference. The Board affirms this determination.

(b) On January 18, 2018, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this determination as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in File No. 171013, and is incorporated herein by reference.

Section 2. Background and Other Findings.

(a) This ordinance fulfills a condition of the Settlement Agreement in the action entitled George Birmingham v. City and County of San Francisco, *et al.* George Birmingham ("Plaintiff") seeks an access route from his property to Burnett Avenue by traversing two city-owned parcels: a vacant paper street titled Burnett North Avenue ("Public Works Property") and a surplus remnant of the Auxiliary Water Service System owned by the Public Utilities Commission ("PUC Property"). The material terms of the Settlement Agreement include Public Works vacating the remainder of the Public Works Property and seeking approvals to sell the parcel to Plaintiff; the Public Utilities Commission seeking authorization from the Board of Supervisors to sell the PUC property, otherwise known as Assessor's Block 2719C, Lot 023, to Plaintiff; the City seeking a rezoning of the PUC Property from Public to Residential Mixed Use Low Density (RM-1) and the Public Works Property to RM-1; Plaintiff agreeing to purchase the parcels for $1,500,000, the full appraised value at the time the lawsuit was filed; Plaintiff agreeing to pay $100,000 of the City's administrative costs; and on such other material terms as are set forth in the Settlement Agreement and the Agreement for Sale of Real Estate (attached as Exhibit C to the Settlement Agreement), contained in Board of Supervisors File No. 171004. The ordinance authorizing the City and County of San Francisco to settle the action by the material terms as set forth in the Settlement Agreement is contained in Board of Supervisors File No. 171004.

(b) Pursuant to the Settlement Agreement, a companion ordinance vacates the Public Works Property and approves the sale of the Public Works Property and PUC Property to Plaintiff, pursuant to the Agreement for Sale of Real Estate (attached as Exhibit C to the Settlement Agreement). This vacation ordinance is contained in Board of Supervisors File No. 171004.

Section 3. The Planning Code is hereby amended by revising the Zoning Map of the City and County of San Francisco as follows:

Description of Property	Use District to be Superseded	Use District Hereby Approved
Block 2719C, Lot 023	P	RM-1
Burnett Avenue North (portion of Burnett Avenue North generally bounded by AB 2745 Lot 036 and AB 2719C Lot 023)	Street (N/A)	RM-1

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

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

By: 
ROBB W. KAPLA
Deputy City Attorney

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FILE NO. 171013

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Amend Zoning Map Pursuant to Settlement]

Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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

Assessor's Block 2719C, Lot 023, located at Burnett Avenue and Burnett Avenue North and owned by the Public Utilities Commission ("PUC Parcel"), is zoned (P) for Public use. The portion of the paper street Burnett Avenue North bounded by AB 2745 Lot 036 and AB 2719C Lot 023 ("Public Works Parcel"), has no zoning designation.

Amendments to Current Law

The legislation would rezone the PUC Parcel and the Public Works Parcel to Residential, Mixed Districts, Low Density (RM-1), which is the underlying zoning of the nearest adjacent privately-owned parcel.

Background Information

The legislation is part of a settlement agreement. The ordinance approving the settlement agreement is located in Board File No. 171004.

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January 22, 2018

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

Re: **Transmittal of Planning Department Case Number: 2017-013096MAP**
Amending the Zoning Map Pursuant to Settlement
Board File No. 171013
Planning Commission Recommendation: ***Approval***

Dear Ms. Calvillo and Supervisor Sheehy,

On January 18, 2018, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would amend the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); and rezone a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1, introduced by Supervisor Sheehy. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15061(b)(3) and 15312 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
Manage of Legislative Affairs

cc:
Robb Kapla, Deputy City Attorney
Martin Fatooh, Aide to Supervisor Sheehy
Erica Major, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary

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Planning Commission Resolution No. 20092

HEARING DATE: JANUARY 18, 2018

Project Name:	**Amending the Zoning Map Pursuant to Settlement**
Case Number:	**2017-013096MAP** [Board File No. 171013]
Initiated by:	Supervisor Sheehy / Introduced September 19, 2017 Extended December 5, 2017 [Board File No. 171292]
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY REVISING ZONING MAP SHEET ZN06 TO REZONE ASSESSOR'S PARCEL BLOCK NO. (AB) 2719C, LOT NO. 023, LOCATED AT BURNETT AVENUE AND BURNETT AVENUE NORTH, FROM PUBLIC (P) TO RESIDENTIAL, MIXED DISTRICTS, LOW DENSITY (RM-1); REZONE A PORTION OF BURNETT AVENUE NORTH GENERALLY BOUNDED BY AB 2745, LOT NO. 036, AND AB 2719C, LOT NO. 023, TO RM-1; 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.

WHEREAS, on September 19, 2017 Supervisor Sheehy introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 171013, which would amend the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); and rezone a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1.;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 18, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15061(b)(3) and 15312; 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 proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed 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. The Commission finds that the re-zoning of the two city-owned parcels is consistent with the surrounding zoning of RM-1 and contextually appropriate with surrounding land uses. Other potential options for resolving this land dispute, such as constructing the remaining paper portion of Burnett Ave North or Copper Alley, or establishing an easement through the SFPUC property are not feasible. The sale of the SFPUC parcel and portion of Burnett Ave North provide an economically feasible and appropriate solution to the filed lawsuit.

2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

GENERAL PLAN PRIORITIES

The General Plan seeks ensure that the qualities that make San Francisco unique are preserved and enhanced while also serving as the embodiment of the community's vision for the future of San Francisco. As a whole, the General Plan's goals are to: create and maintain the economic, social, cultural, and esthetic values that establish the desirable quality and unique character of the city; improve the city as a place for healthful, safe, and satisfying living by providing adequate open spaces, community facilities and affordable housing of a high standard; ensuring commerce and industry are able to thrive; coordinating the varied patterns of land use with circulation routes and facilities that are required for the efficient movement of people and goods; and reflecting the growth and development of the city with the surrounding region.

URBAN DESIGN ELEMENT

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.9
Review proposals for the giving up of street areas in terms of all the public values that streets afford.

Policy 2.9 a. of the Urban Design Element of the General Plan lists various factors to consider when determining if a street vacation can be recommended. The first factor is whether the street vacation is a "detriment to vehicular or pedestrian circulation". In this case, the undeveloped Burnett Avenue North right-of-way is an inaccessible remnant of a "paper" street that has no current or future role in vehicular or

pedestrian circulation, except its potential to provide street access to Lot 36. Policy 2.9 a. also states that street vacations that would cause "interference with the rights of access to any private property" are not recommended. In this case, the street vacation and sale of the undeveloped Burnett Avenue North right-of-way would actually provide street access to Lot 36 that currently does not exist and allow the City and County to comply with the terms of a settlement agreement that resolves longstanding litigation between the owner of Lot 36, neighboring properties, and the City while receiving fair market compensation for these City-owned parcels. The sale of the vacated right-of-way would stipulate that the property owner could not alienate Lot 36 from street access in future sales, so street access will be guaranteed for Lot 36 and any residential development that occurs on that parcel in the future.

Most factors listed in Urban Design Element Policy 2.9 a. support the vacation of the undeveloped right-of-way, the sale and rezoning of both the undeveloped right-of-way and SFPUC parcel to RM-1. Factor 8 considers actions that would result in "Enlargement of a property that would result in (i) additional dwelling units in a multi-family area" as an unfavorable outcome. While the vacation, sale, and rezoning of the undeveloped right-of-way and SFPUC parcel could potentially add additional residential development capacity, the actions do not result in an enlargement of a property, which would require additional actions and approvals by the property owner. Given that any concerns raised by the factors listed in 2.9 a. are tenuous or indirect and the benefits of the project are clear, on balance these policies appear to support the vacation of the undeveloped right-of-way along with the sale and rezoning of the right-of-way and SFPUC parcels.

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 settlement agreement between the owner of Lot 36, the City, and neighboring properties calls for the rezoning of the undeveloped Burnett Avenue North right-of-way and the SFPUC parcel Block 2719C Lot 23, to RM-1. Rezoning of the city-owned parcels is necessary because current zoning would not allow the construction of a driveway to provide access to Lot 36. The undeveloped Burnett Avenue North right-of-way currently has no zoning designation and the SFPUC parcel is designated Public (P). Rezoning the city-owned parcels to RM-1 would make them consistent with Lot 36 as well as many neighboring parcels. Providing consistent zoning across the parcels ensures that the owner of Lot 36 can construct a driveway to the street while also ensuring that height, bulk, and design of residential development on the parcels is consistent with the appearance and density of neighboring residential structures.

3. **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 proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

   The proposed Ordinance would not have a negative effect on housing or neighborhood character.

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

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

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

   The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

   The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **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.

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 18, 2018.

Jonas P. Ionin
Commission Secretary

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

NOES: None

ABSENT: None

ADOPTED: January 18, 2018

SAN FRANCISCO
PLANNING DEPARTMENT

Revised Executive Summary
Planning Code Text Amendment
HEARING DATE: JANUARY 18, 2018
CONTINUED FROM: DECEMBER 21, 2017
90 - DAY EXPIRATION DATE: JANUARY 24, 2018

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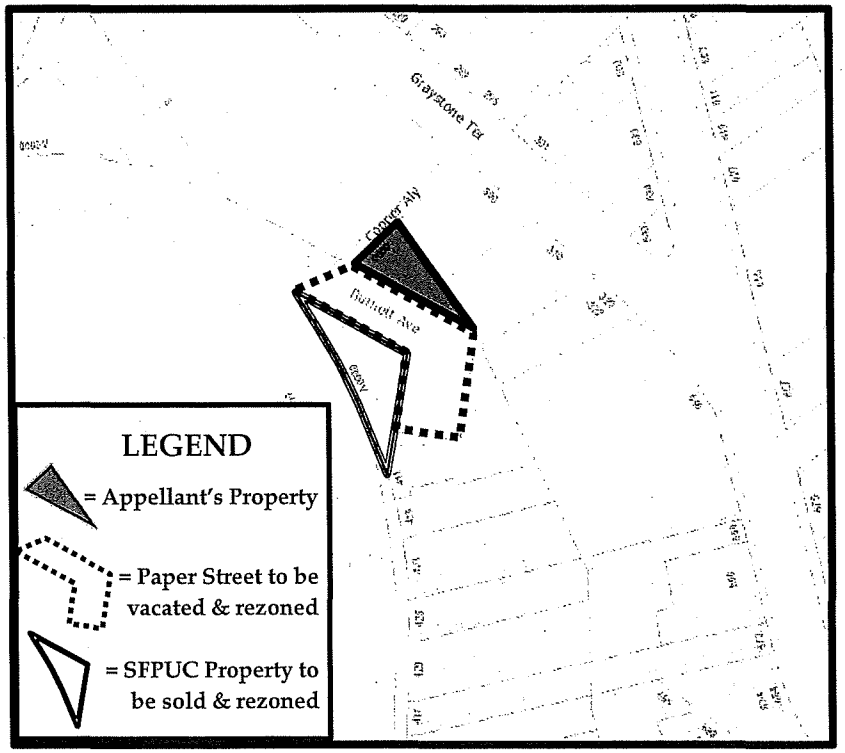
Project Name:	**Amending the Zoning Map Pursuant to Settlement**
Case Number:	**2017-013096MAP** [Board File No. 171013]
Initiated by:	Supervisor Sheehy / Introduced September 19, 2017 Extended December 5, 2017 [Board File No. 171292]
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	**Recommend Approval**

PLANNING CODE AMENDMENT

The Ordinance would amend the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); and rezone a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1.



The Way It Is Now:

- Assessor's Parcel Block No. (AB) 2719C, Lot No. 023 is currently zoned Public (P) and is owned by the San Francisco Public Utilities Commission (SFPUC).
- A portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023 is a paper street with no plans for street development.

The Way It Would Be:

- Assessor's Parcel Block No. (AB) 2719C, Lot No. 023 would be rezoned to Residential, Mixed Districts, Low Density (RM-1) and sold to a private party.
- A portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023 would be rezoned Residential, Mixed Districts, Low Density (RM-1), vacated, and sold to a private party.

BACKGROUND

The Planning Commission first heard this item on December 21, 2017. At that hearing, the Planning Commission heard public comment from surrounding neighbors along Graystone Terrace. The tenor of their comments is reflected below in the "Public Comment" section, which the Planning Department received prior to the Planning Commission hearing. In summary, the comments focus on concerns over the impact future development will have on their properties' views, privacy, potential runoff, and overall stability of the hillside.

The Planning Commission discussed the potential impacts of the sale of the two city-owned parcels to the owner of the landlocked parcel (appellant). Commissioners Hillis, Johnson, Moore, and Richards expressed concern about the size of development that may be possible with the purchase of the two city-owned lots by the appellant of the lawsuit (who is the owner of the landlocked parcel). Some Planning Commissioners express concerned about voting on the proposed rezoning without knowing what could be built on the proposed parcels. Ultimately, the Commission voted to continue the item to January 18, 2018, and requested that more information be provided regarding the various development scenarios if the two parcels were to be rezoned to either RM-1 or RH-2. This motion passed four to three with Commissioners Fong, Johnson and Koppel voting against the continuance.

The purpose of the vacation, sale, and rezoning is to allow the current owner of Assessor's Block 2745 Lot 036 (Lot 36), to gain access to Burnett Avenue through purchase of the two rezoned lots. The owner of Lot 36 currently has no street access because it is separated from Burnett Avenue by the parcels in question. The owner of lot 36 filed a lawsuit against the City and neighboring properties in 2015 seeking access through easements, encroachment permits, or sale of the City parcels. The parties to the lawsuit have reached a settlement agreement that resolves the litigation and provides Lot 36 with access to Burnett Avenue using the portion of former Burnett Avenue North and SFPUC parcels.

ISSUES AND CONSIDERATIONS

<u>Considering All Options</u>

Other methods for providing Lot 36 with access to Burnett Avenue are not feasible. There is no practical way to construct an access route through parcels other than the City parcels due to the slope of the hillside where Lot 36 is located, and the construction that exists on neighboring properties. An easement across the city parcels is also infeasible because it contradicts the mandate that the SFPUC receive fair

market value for surplus properties. An easement would divide the City parcels, significantly decreasing the value of the parcels. In contrast, the sale of the city-owned parcels will allow the SFPUC to fulfill its duty to its taxpayers, while resolving Lot 36's access issues and complying with terms of the settlement agreement.

If approved, the rezoning of the parcel and street in question would not constitute a right to develop the property. Any proposal would still need to obtain all appropriate approvals from the Planning Department, and future development would additionally require 311 notification.

Potential Development of the subject lots

If the settlement is approved, the appellant (and owner of the landlocked parcel) will purchase the vacated portion of Burnett Avenue North as well as the SFPUC parcel, which fronts Burnett Avenue. The zoning that immediately surrounds these parcels is RM-1 (including the appellant's landlocked parcel) and RH-2. When comparing the two zoning districts in relation to potential development of the parcels, the main differences will lie in how many dwelling units would be allowed on the subject properties. Other requirements, such as the rear yard, front yard setback, height limit, etc. are the same or contain only small differences between the two most logical zoning districts for the parcels. For a more precise understanding of the various scenarios for future development of these parcels, please refer to Exhibit D: "Potential Development Scenarios".

RECOMMENDATION

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

BASIS FOR RECOMMENDATION

The re-zoning of the two city-owned parcels is consistent with the surrounding zoning of RM-1 and contextually appropriate with surrounding land uses. Other potential options for resolving this land dispute, such as constructing the remaining paper portion of Burnett Ave North or Copper Alley, or establishing an easement through the SFPUC property are not feasible. The sale of the SFPUC parcel and portion of Burnett Ave North provide an economically feasible and appropriate solution to the filed lawsuit.

REQUIRED COMMISSION ACTION

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

IMPLEMENTATION

The Department determined that this Ordinance will not impact our current implementation procedures, permit costs or review time.

ENVIRONMENTAL REVIEW

A Certificate of Determination for Exclusion/Exemption from Environmental Review (the Certificate) was prepared by the Department for the proposed project, which consisted of an analysis of the project's eligibility for exemption from California Environmental Quality Act (CEQA) review under CEQA State Guidelines Section 15061(b)(3) or the General Rule Exclusion (GRE) and CEQA State Guidelines section 15312, or Class 12. The GRE establishes that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Additionally, a Class 12 Exemption provides an exemption from environmental review for the sale of surplus government property except for parcels of land located in an area of statewide, regional or area-wide concern identified in CEQA Guidelines Section 15206(b)(4). The property is not located in an area of statewide, regional or area-wide concern. For the above reasons, the proposed project is appropriately exempt from environmental review. The proposed project would have no significant environmental effects. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15061(b)(3) and 15312. The Certificate was signed on October 13th, 2017.

PUBLIC COMMENT

As of the date of this report, staff has received several public comments regarding the proposed Ordinance. The written public comments received by staff as of January 11, 2018 are attached as Exhibit B. A summary of the comments received via phone are below:

-One caller stated that the Commission rezoning this land is the equivalent of approving this land for development. The caller believes this land being developed would be a violation of the surrounding property owners' rights. The caller is concerned about the steep slope of this parcel causing excessive amounts of runoff to the parcels directly below if developed. The caller was also concerned about excavation of the hillside in order to install support beams for any future development.

-One caller believed that the PUC parcel and vacated street proposed for rezoning and sale should have also been offered via a public process for other neighbors to purchase before the settlement in question was arranged.

RECOMMENDATION:	**Recommendation of Approval**

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Written Public Comment Received as of January 11, 2018
Exhibit C:	Certificate of Determination: Exclusion/Exemption from Environmental Review
Exhibit D:	Potential Development Scenarios
Exhibit E:	General Plan Referral
Exhibit F:	Board of Supervisors File No. 170625

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Planning Commission Draft Resolution

HEARING DATE: JANUARY 18, 2018
CONTINUED FROM: DECEMBER 21, 2017

Project Name:	**Amending the Zoning Map Pursuant to Settlement**
Case Number:	**2017-013096MAP** [Board File No. 171013]
Initiated by:	Supervisor Sheehy / Introduced September 19, 2017 Extended December 5, 2017 [Board File No. 171292]
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY REVISING ZONING MAP SHEET ZN06 TO REZONE ASSESSOR'S PARCEL BLOCK NO. (AB) 2719C, LOT NO. 023, LOCATED AT BURNETT AVENUE AND BURNETT AVENUE NORTH, FROM PUBLIC (P) TO RESIDENTIAL, MIXED DISTRICTS, LOW DENSITY (RM-1); REZONE A PORTION OF BURNETT AVENUE NORTH GENERALLY BOUNDED BY AB 2745, LOT NO. 036, AND AB 2719C, LOT NO. 023, TO RM-1; 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.

WHEREAS, on September 19, 2017 Supervisor Sheehy introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 171013, which would amend the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); and rezone a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1.;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 18, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15061(b)(3) and 15312; 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 proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed 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. The Commission finds that the re-zoning of the two city-owned parcels is consistent with the surrounding zoning of RM-1 and contextually appropriate with surrounding land uses. Other potential options for resolving this land dispute, such as constructing the remaining paper portion of Burnett Ave North or Copper Alley, or establishing an easement through the SFPUC property are not feasible. The sale of the SFPUC parcel and portion of Burnett Ave North provide an economically feasible and appropriate solution to the filed lawsuit.

2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

GENERAL PLAN PRIORITIES

The General Plan seeks ensure that the qualities that make San Francisco unique are preserved and enhanced while also serving as the embodiment of the community's vision for the future of San Francisco. As a whole, the General Plan's goals are to: create and maintain the economic, social, cultural, and esthetic values that establish the desirable quality and unique character of the city; improve the city as a place for healthful, safe, and satisfying living by providing adequate open spaces, community facilities and affordable housing of a high standard; ensuring commerce and industry are able to thrive; coordinating the varied patterns of land use with circulation routes and facilities that are required for the efficient movement of people and goods; and reflecting the growth and development of the city with the surrounding region.

URBAN DESIGN ELEMENT

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.9
Review proposals for the giving up of street areas in terms of all the public values that streets afford.

Policy 2.9 a. of the Urban Design Element of the General Plan lists various factors to consider when determining if a street vacation can be recommended. The first factor is whether the street vacation is a

"detriment to vehicular or pedestrian circulation". In this case, the undeveloped Burnett Avenue North right-of-way is an inaccessible remnant of a "paper" street that has no current or future role in vehicular or pedestrian circulation, except its potential to provide street access to Lot 36. Policy 2.9 a. also states that street vacations that would cause "interference with the rights of access to any private property" are not recommended. In this case, the street vacation and sale of the undeveloped Burnett Avenue North right-of-way would actually provide street access to Lot 36 that currently does not exist and allow the City and County to comply with the terms of a settlement agreement that resolves longstanding litigation between the owner of Lot 36, neighboring properties, and the City while receiving fair market compensation for these City-owned parcels. The sale of the vacated right-of-way would stipulate that the property owner could not alienate Lot 36 from street access in future sales, so street access will be guaranteed for Lot 36 and any residential development that occurs on that parcel in the future.

Most factors listed in Urban Design Element Policy 2.9 a. support the vacation of the undeveloped right-of-way, the sale and rezoning of both the undeveloped right-of-way and SFPUC parcel to RM-1. Factor 8 considers actions that would result in "Enlargement of a property that would result in (i) additional dwelling units in a multi-family area" as an unfavorable outcome. While the vacation, sale, and rezoning of the undeveloped right-of-way and SFPUC parcel could potentially add additional residential development capacity, the actions do not result in an enlargement of a property, which would require additional actions and approvals by the property owner. Given that any concerns raised by the factors listed in 2.9 a. are tenuous or indirect and the benefits of the project are clear, on balance these policies appear to support the vacation of the undeveloped right-of-way along with the sale and rezoning of the right-of-way and SFPUC parcels.

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 settlement agreement between the owner of Lot 36, the City, and neighboring properties calls for the rezoning of the undeveloped Burnett Avenue North right-of-way and the SFPUC parcel Block 2719C Lot 23, to RM-1. Rezoning of the city-owned parcels is necessary because current zoning would not allow the construction of a driveway to provide access to Lot 36. The undeveloped Burnett Avenue North right-of-way currently has no zoning designation and the SFPUC parcel is designated Public (P). Rezoning the city-owned parcels to RM-1 would make them consistent with Lot 36 as well as many neighboring parcels. Providing consistent zoning across the parcels ensures that the owner of Lot 36 can construct a driveway to the street while also ensuring that height, bulk, and design of residential development on the parcels is consistent with the appearance and density of neighboring residential structures.

3. **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 proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

   The proposed Ordinance would not have a negative effect on housing or neighborhood character.

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

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

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

   The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

   The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **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.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 21, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:
ABSENT:

ADOPTED: January 18, 2018

From:	Glenn Wyatt
To:	Butkus, Audrey (CPC); Danny Moreno
Subject:	Letter of concern from 322 Graystone Terrace
Date:	Wednesday, December 13, 2017 4:58:36 PM

Audrey Butkus,

In regards to the rezoning of a parcel and portion of Burnett Ave, from the current public open space zone to residential zone, I am against it. While I am totally aware that current re-zoning issue is just the first step in a long process of planning approvals before anything is built on the land, I want to convey my concerns early in this process for the record.

The largest impacts I am most concerned is the environmental impact such as the hill side erosion caused by construction on such a steep slope. This could cause a land side into my property. The second environmental impact is the loss of habitat of the family of raccoons that live on the hillside. The raccoon family walks down the hill side in question and on my roof after a major rain or whenever at night they feel like it. Any zoning changes could lead to the loss of habitat or even death of this raccoon family.

As part of the law suit settlement, I do understand the City's reasoning for selling the land (so the land owner with the vacant land can get street access). However, now that the city is proposing to rezone and sell it, we the property owners should have been given the opportunity to buy the tiny sliver of land directly behind our own properties.

Thank you,
Glenn Wyatt
322 Graystone Terrace, San Francisco, CA 94114

From:	dmsf
To:	Butkus, Audrey (CPC); Sheehy, Jeff (BOS)
Cc:	Ross Woodall; glennwyatt@gmail.com
Subject:	Letter of Concerns_Zoning Map Amendment (see attachment)
Date:	Wednesday, December 13, 2017 4:04:16 PM
Attachments:	Letter of Concern_Zoning Map Amendment_12.12.17.docx

To:

Planner: Audrey Butkus
Sponsor: Supervisor, Jeff Sheehy

Hello,

I'm submitting my Letter of Concerns (see attachment for my concerns) per guidance from the Notice of Public Hearing letter that I received on November 2017 and sending this to Planner, Audrey Butkus and Sponsor, Supervisor Jeff Sheehy.

This is regarding the Hearing on Thursday, December 21, 2017 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, Case Type Zoning Map Amendment in front of the Hearing Body: Planning Commission.

I am against the Proposal to rezone and build any structure and street, essentially at the end of my lot, that will obstruct the beautiful view and natural environment. A rezoning will destroy the area for all the small animals and birds that live in the area, as well as impact the neighborhood and neighbors. Please do not rezone and allow any construction of any structure or street adjacent to mine lot. I have lived at my address for twenty-five years. Why is this coming up now? Please do not ruin the area. I am totally against this rezoning and proposed building and street.

Let me know if there is anything that I can do to prevent this rezoning, and potential construction of building and street addition!

Thank you,

Danny Moreno – (415) 729-6015, 320 Graystone Terrace, San Francisco, CA, 94114

From: Danny Moreno (Property owner)
320 Graystone Terrace (Block 2745, Lot 066)
San Francisco, CA, 94114

To: San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA, 94103

12 December 2017

For the attention of Audrey Butkus, Applicant Planner and Jeff Sheehy, Supervisor

Dear Madam/Sir

REGARDING - NOTICE OF PUBLIC HEARING:

ORDINANCE INFORMATION			
Project name:	**Rezoning a Parcel & a Portion of Burnett Ave North**	Case No.:	**2017-013096MAP**
Existing Zoning:	**Public (P)**	Board File No.:	**171013**
Proposed Zoning:	**Residential, Mixed Districts, Low Density (RM-1)**	Sponsor:	**Supervisor Jeff Sheehy**

Ordinance Description: The proposed ordinance will be heard at the Planning Commission hearing on December 21, 2017. The Ordinance would amend the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); and rezone a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1. The Amendment is being proposed as the result of a settlement.

The Planning Commission hearing will be advisory to the Board of Supervisors who has final approval authority. This notice is being sent to all property owners within 300' of the proposed rezoning. Your property may not be subject to the proposed rezoning.

I write as the property owner of Block 2745, Lot 066, Property Location 320 Graystone Terrace, with concerns regarding the rezoning stated in the above Ordinance Case No. 2017-013096MAP.

I am concerned about the following items:

- Urban Bird Refuge - This property is within 300' of a possible urban bird refuge. Planning Commission Resolution 18406 established policies concerning the window treatment, lighting design, and wind generation for certain projects in this area. For more information please consult the 'Standards for Bird-Safe Buildings'.
- Slope of 20% or greater.
- Landslide concerns for the integrity of the hill side, our property and our home.
- If Burnett Avenue North is extended as shown in the Ordinance description map, it will cause increased pollution impacting my property from vehicles accessing the proposed Burnett Avenue North extension.

- If Burnett Avenue North is extended as shown in the Ordinance description map, that will impact my property safety with easier access from the proposed Burnett Avenue North extension, and the safety for the homes adjacent to our property.
- And if any structure and road were built on the identified lot, that will severely impact the beauty and tranquility of our property. We've lived in this property for twenty-five years without any rezoning. Why now?
- Why is rezoning being considered, in this extreme way that, including a structure and a street extension that will severely impact the quality and safety of our lives and our neighbors.

I am strongly against the rezoning and the building of any structure and street on the following lots.

- Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North
- Portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023

My home is our sacred safe haven and this proposed rezoning and building of a structure and street will change our safety and the quality of our lives and our neighbor's lives forever. I will no longer be able to see out of my back windows viewing nature and the beautiful sky, but be shadowed by darkness of a structure and street with vehicles and pollution. Please do not rezone and build anything in the proposed lots.

Thank you,

Danny Moreno (Property owner)
320 Graystone Terrace (Block 2745, Lot 066)
San Francisco, CA, 94114

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Certificate of Determination
EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Date:	*12/13/2017*
Case No.:	2017-013410ENV
Project Title:	**401 Burnett Ave**
Zoning:	P (Public) Use District 40-X Height and Bulk District Hayes Valley Residential Historic District
Block/Lot:	2745/036 & 2719C/023
Lot Size:	7,421 square feet
Project Sponsor:	Supervisor Jeff Sheehy, Board of Supervisors (415) 554-6968
Staff Contact:	Laura Lynch – (415) 575-9045 Laura.lynch@sfgov.org

PROJECT DESCRIPTION:

The project site consists of an irregularly shaped parcel at Block 2719C Lot 023 owned by the San Francisco Public Utilities Commission and public land owned by the San Francisco Department of Public Works, in the Twin Peaks neighborhood. The sale of these properties would require the City to rezone the property from Public (P) to Residential-Mixed, Low Density (RM-1), matching the surrounding area. The vacation, rezoning, and sale of the City parcels would provide the neighboring property 9-11 Burnett Avenue with unobstructed access to Burnett Avenue.

EXEMPT STATUS:

General Rule Exclusion (California Environmental Quality Act (CEQA) Guidelines, section 15061(b)(3)) and Categorical Exemption Class 12, Surplus Government Property Sales (CEQA Guidelines, section 15312).

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

for Lisa Gibson
Environmental Review Officer

12/13/2017
Date

cc:
Audrey Butkus, Legislative Affairs
Supervisor Jeff Sheehy, District 8 (via Clerk of the Board)
Virna Byrd, M.D.F.

CONCLUSION

CEQA State Guidelines section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project would have no significant environmental effects and thus it is appropriately exempt from environmental review under the general rule exclusion (CEQA Guidelines section 15061(b)(3)). Additionally, CEQA State Guidelines section 15312, or Class 12, provides an exemption from environmental review for the sale of surplus government property except for parcels of land located in an area of statewide, regional or areawide concern identified in CEQA Guidelines Section 15206(b)(4). The property is not located in an area of statewide, regional or areawide concern. For the above reasons, the proposed project is appropriately exempt from environmental review.

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Certificate of Determination
Exemption from Environmental Review

Case No.:	2011.0958E
Project Title:	9–11 Burnett North Avenue
Zoning:	RM-1 (Residential Mixed, Low Density) Use District 40-X Height and Bulk District
Block/Lot:	2745/036
Lot Size:	2,327 square feet
Project Sponsor:	Warner Schmalz (415) 252-7063
Staff Contact:	Jeanie Poling – (415) 575-9072 jeanie.poling@sfgov.org

PROJECT DESCRIPTION:

The project site is a steeply sloping vacant lot located on the western slope of Twin Peaks on the north side of Burnett North Avenue in the block bounded by Burnett North Avenue, Copper Alley, Graystone Terrace, and Dixie Alley. The proposed project would construct a four-story, 4,315-square-foot, 40-foot-tall, two-unit residential building, which would be accessed at the upper level via a new driveway apron on Burnett North Avenue.

EXEMPT STATUS:

Categorical Exemption, Class 3 (State CEQA Guidelines Section 15303(b))

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Bill Wycko
Environmental Review Officer

November 16, 2011
Date

cc: Warner Schmalz, Project Sponsor
Michael Smith, Neighborhood Planning Division
Supervisor Scott Wiener, District 8
Distribution List , Virna Byrd, M.D.F.

during excavation operations, (3) temporary slopes and temporary shoring should be required for the retaining walls upslope of the development, and (4) permanent rock anchors or tiebacks may be required. The report further specifies that retaining walls be designed to resist lateral earth pressures 45 to 65 pounds per cubic foot, and that site drainage be provided to prevent the build-up of hydrostatic pressures from surface and subsurface water infiltration. The report concludes that the site is suitable for the proposed development, provided that its recommendations be incorporated into the design and construction of the proposed structure.

The geotechnical report was reviewed by a licensed structural engineer, who concluded that the site is suitable for the proposed construction.[3] The proposed new foundation system for the four-story building structure and driveway would conform to recommendations outlined in the geotechnical report for building foundations, retaining walls, excavation and shoring, and erosion control. The foundation system would consist of grade beams and drilled piers with the drilled piers being a minimum of 18 inches in diameter and a minimum of 15 feet embedment into the bedrock.

The proposed project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the Department of Building Inspection (DBI) permit review process. DBI would review background information including geotechnical and structural engineering reports to ensure that the security and stability of adjoining properties and the subject property is maintained during and following project construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards.

Exemption Class. CEQA State Guidelines Section 15303(b), or Class 3, provides an exemption from environmental review for the construction of a duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed building would entail the construction of a 4,315-square-foot residential structure with two dwelling units. Therefore, the proposed construction is exempt from environmental review under Class 3.

Summary. CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

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[3] Rodrigo Santos, S.E., Santos & Urrutia, letter re 9 & 11 Burnett Ave./Copper Alley, November 4, 2011. This report is available for review as part of Case No. 2011.0958E.

Exhibit D: Potential Development Scenarios

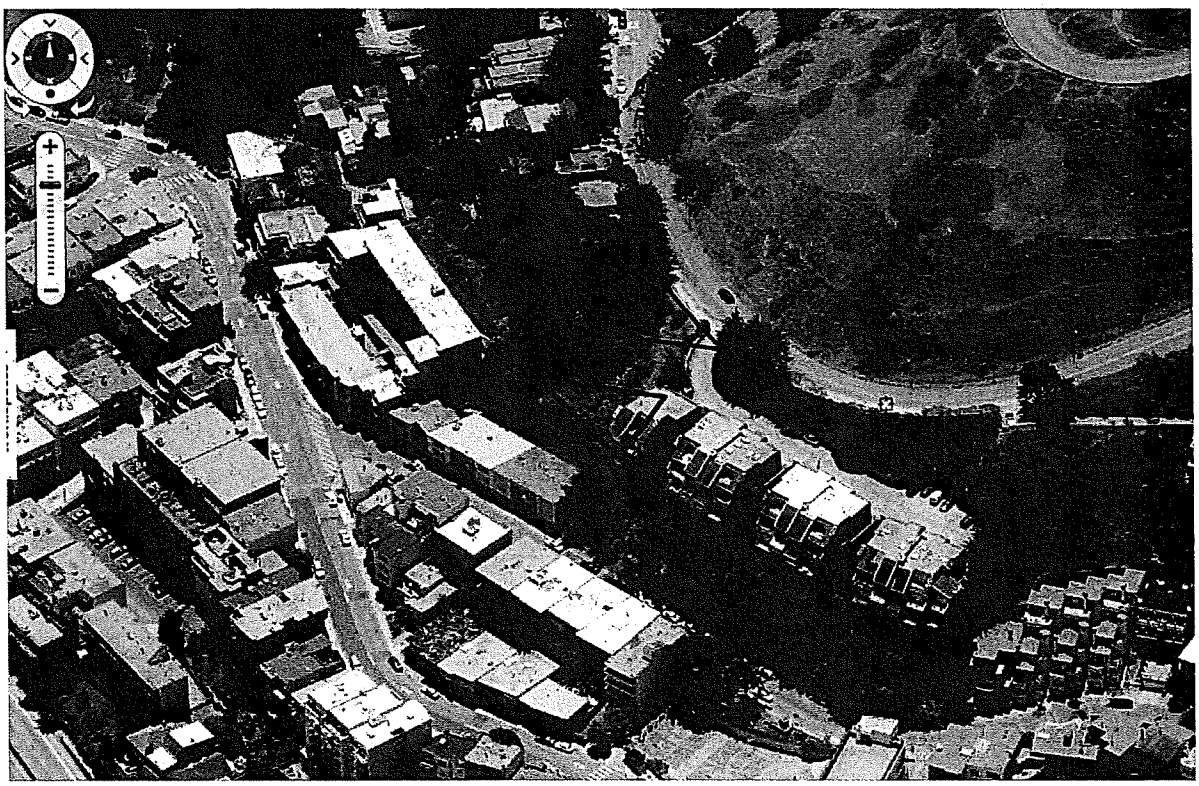
The table below addresses the differences between residential development in RH-2 Districts and RM-1 Districts. Differences are in **bolded** text:

Zoning District	Height and Bulk Limit	Max. Dwelling Unit Density	Min. Lot Size	Front Setback Requirements	Rear Yard Requirements	Usable Open Space Requirements	Other Special Requirements
RH-2	40-X; **the permitted height shall be reduced to 35 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front line.**	**Two** units per lot; up to one unit per **1,500 sq. ft.** of lot area with CUA approval	25ft Wide, 2,500 sf ft of lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth	45% of lot depth, except of reductions based upon average of adjacent buildings; if averaged, last 10 ft. is limited to height of 30 ft. and a minimum of 25% of lot depth, but no less than 15 feet.	**125 sq.ft. per unit** if all private; common space substituted must be 1/3 greater.	(§144) Limits on parking entrances and blank facades. **(§261) Use district height limit – 40 ft.; 30 ft. at front of property.**
RM-1	40-X	**Three** dwelling units per lot or one dwelling unit per **800 sq.ft.** of lot area	25ft Wide, 2,500 sf ft of lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth	45% of lot depth, except of reductions based upon average of adjacent buildings; if averaged, last 10 ft. is limited to height of 30 ft. and a minimum of 25% of lot depth, but no less than 15 feet.	**100 sq.ft. per unit** if all private; common space substituted must be 1/3 greater.	(§144) Limits on parking entrances and blank facades. **(§145) Building stepping or multiple pedestrian entrances on wider lots.**

Subject Properties

SFPUC Parcel proposed for rezoning

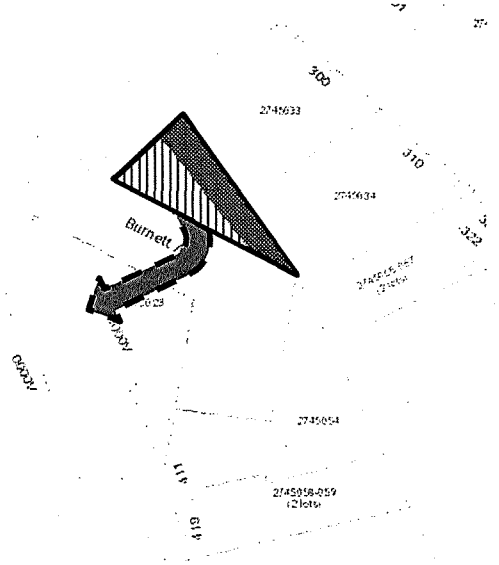
Lawsuit appellant's property



Potential Development Scenarios if Settlement Terms are Granted

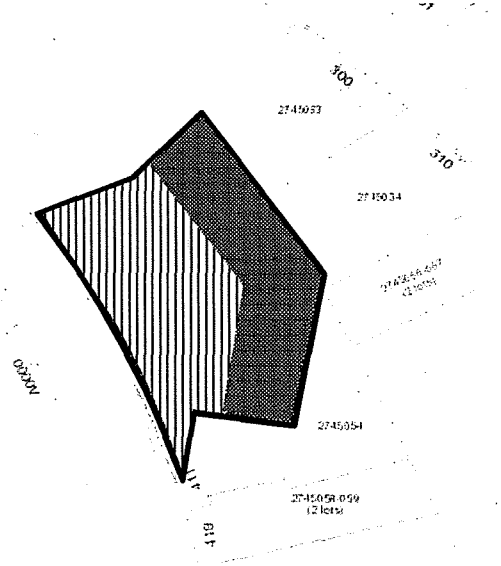
Please note the following images are intended to illustrate several potential development scenarios, and are not an exhaustive list of possible development options nor are they meant to serve as approval or endorsement of any future development proposal.

A: One Lot Development.



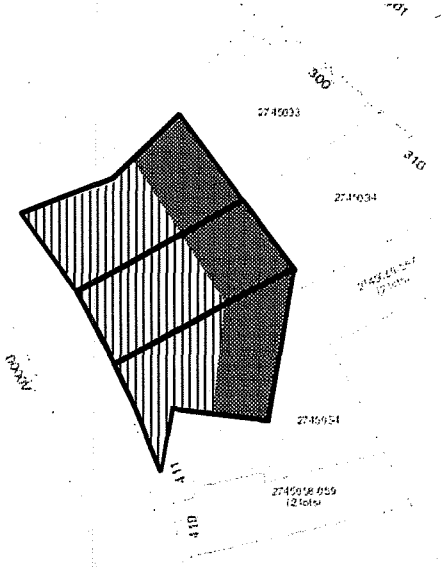
This scenario illustrates the development of the landlocked parcel only. The most likely configuration would lead to a very small buildable area. Given the lot's unusual topography and shape, it may be eligible for a Variance. The 40 ft height limit would be measured from Copper Alley. The property could contain two units under RH-2 zoning and three units under RM-1 zoning. Please note that this information is preliminary; it may change once a permit is submitted and the Department is provided more information.

B: Merger to Create One Lot.



This scenario would require a lot line adjustment to merge the three lots. This configuration would result in one large parcel of approximately 14,000 sq. ft. and would have a buildable area of approximately 7,700 sq. ft. Under RH-2, this parcel could contain up to two dwelling units, or nine with Conditional Use authorization. Under the RM-1 zoning this parcel could contain up to 18 dwelling units.

C: Re-plotting Three Lots.



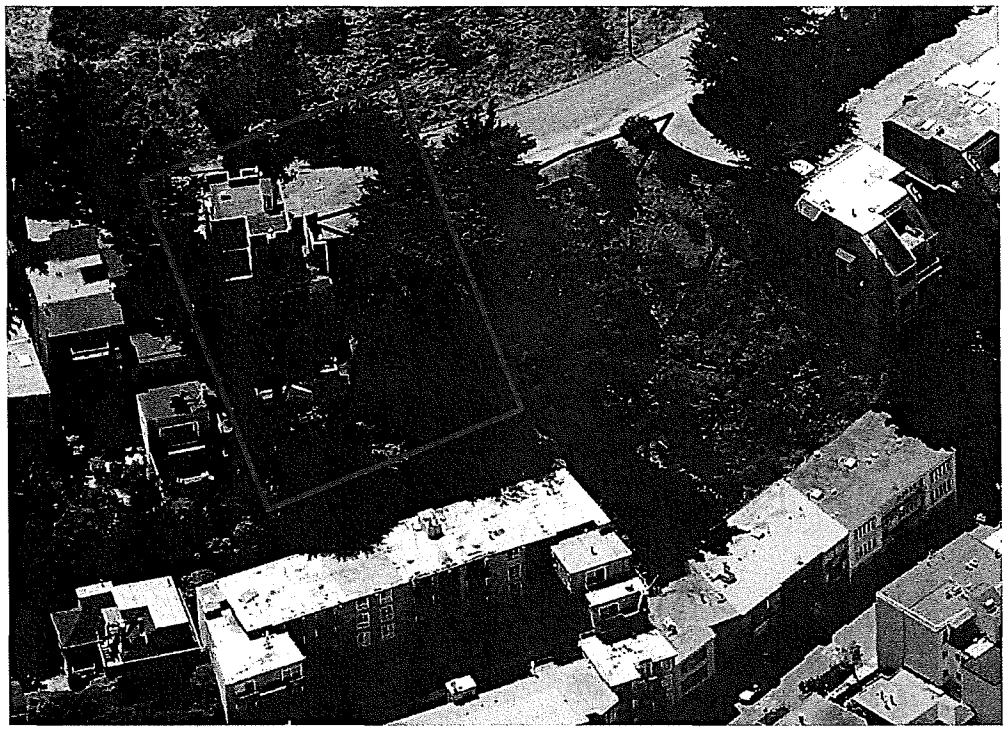
This scenario would require a lot line adjustment to create the configuration above and would result in parcels of approximately 4,000 – 5,000 sq. ft. each. Under RH-2 zoning, each parcel could contain up to two dwelling units, or three with Conditional Use authorization (six to nine in total). Under the RM-1 zoning, each parcel could contain between five and six dwelling units depending on the various parcel sizes, for a total of between15-18 units.

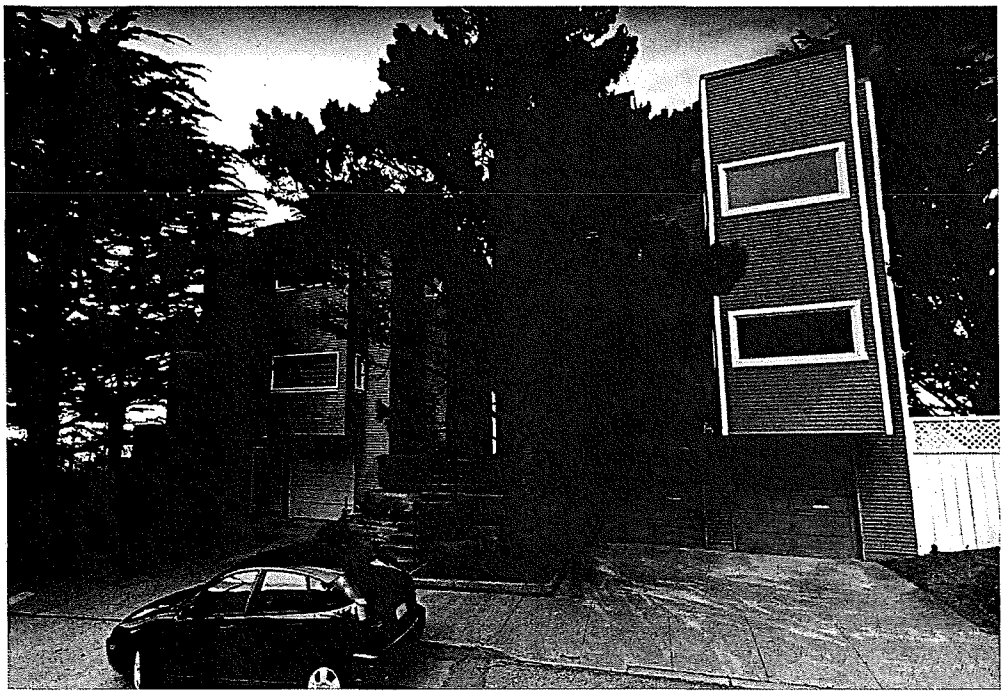
||||||| Approximate buildable area

Approximate required rear yard at 45%

Adjacent Properties

411 – 419 Burnett Avenue



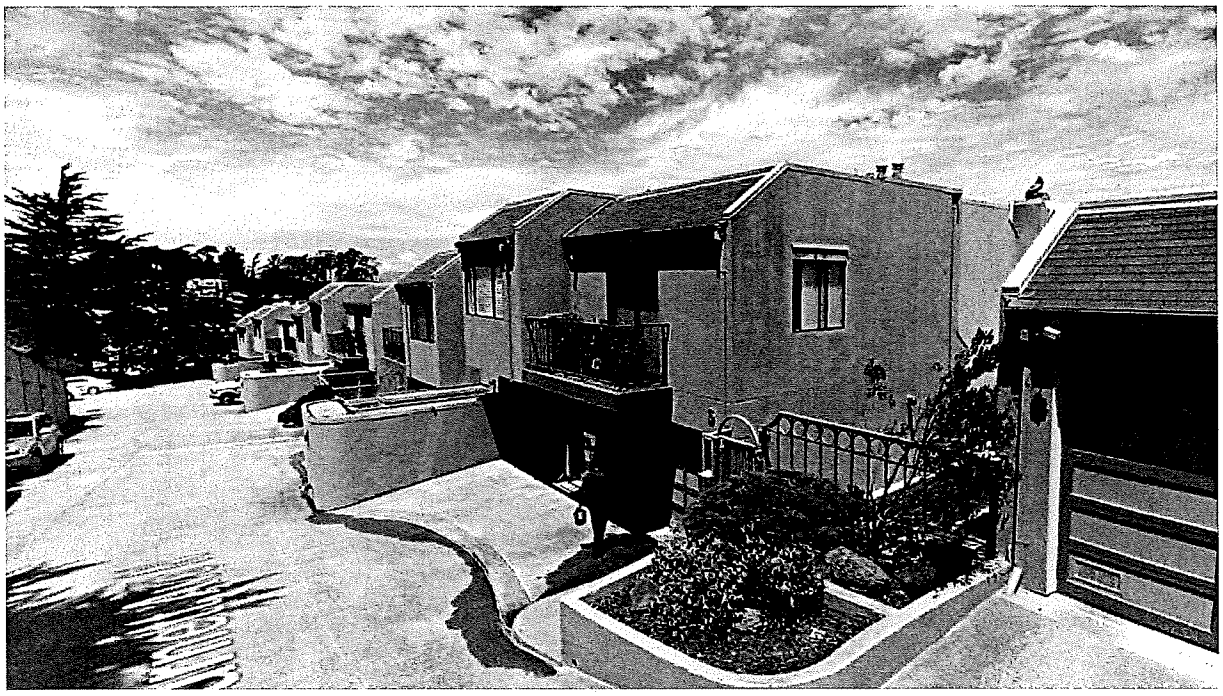


411 Burnett Ave is a single-family home with 2 stories over a garage and a basement

417 - 419 Burnett Ave is a 2 unit condo with 2 stories over a garage

Adjacent Properties

1 – 20 Burnett Avenue North



1 – 20 Burnett Avenue North is a condominium complex with one story over a garage at the street and contains four floors to the rear.

SAN FRANCISCO
PLANNING DEPARTMENT

General Plan Referral

1650 Mission St.
Suite 400
San Francisco,
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Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	January 10th, 2018
Case No.	**Case No. 2017-009541GPR** **Vacation of Burnett Avenue North and sale of right-of way and SFPUC parcel, Block 2719C Lot 23**
Block/Lot No.:	Burnett Avenue North along Block 2745 & Block 2719C Lot 23
Project Sponsor:	Javier Rivera San Francisco Department of Public Works 1155 Market St. 3rd Floor San Francisco, CA 94103
Applicant:	Same as Above
Staff Contact:	James Pappas (415) 575-9053 *james.pappas@sfgov.org*
Recommendation:	Finding the project, on balance, is **in conformity** with the General Plan
Recommended By:	John Rahaim, Director of Planning

PROJECT DESCRIPTION

The Project analyzed here includes two components: the vacation of a portion of Burnett Avenue North, an undeveloped public right-of-way and the sale of the vacated right-of-way and the neighboring surplus parcel owned by the San Francisco Public Utilities Commission (SFPUC), Block 2719C Lot 23.

The purpose of the vacation and sale is to allow the current owner of Assessor's Block 2745 Lot 036 (Lot 36), which is separated from Burnett Avenue by the parcels in question, to gain access to Burnett Avenue through purchase of the two lots and construction of a driveway. The owner of the parcel at Lot 36 currently has no street access and filed a lawsuit against the City and neighboring properties in 2015 seeking access through easements, encroachment permits, or sale of the City parcels. The parties to the lawsuit have reached a settlement agreement that resolves the litigation and provides Lot 36 with access to Burnett Avenue using the portion of former Burnett Avenue North undeveloped right-of-way and SFPUC parcel.

Other methods for providing Lot 36 with access to Burnett Avenue were not feasible. There is no practical way to construct an access route through parcels other than the City parcels due to the slope of the hillside where Lot 36 is located and the construction that exists on neighboring properties. An easement across the city parcels is also infeasible because it contradicts the mandate that the SFPUC receive fair market value for surplus properties. An easement would divide the City parcels, significantly, if not completely, decreasing the value of the parcels. In contrast, the sale of the city-owned parcels will allow the SFPUC to fulfill its duty to its ratepayers, while resolving Lot 36's access issues and complying with terms of the settlement agreement. The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

ENVIRONMENTAL REVIEW

A Certificate of Determination for Exclusion/Exemption from Environmental Review (the Certificate) was prepared by the Department for the proposed project, which consisted of an analysis of the project's eligibility for exemption from California Environmental Quality Act (CEQA) review under CEQA State Guidelines Section 15061(b)(3) or the General Rule Exclusion (GRE) and CEQA State Guidelines section 15312, or Class 12. The GRE establishes that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Additionally, a Class 12 Exemption provides an exemption from environmental review for the sale of surplus government property except for parcels of land located in an area of statewide, regional or areawide concern identified in CEQA Guidelines Section 15206(b)(4). The property is not located in an area of statewide, regional or areawide concern. For the above reasons, the proposed project is appropriately exempt from environmental review. The proposed project would have no significant environmental effects. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15061(b)(3) and 15312. The Certificate was signed on October 13th, 2017.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is the City's proposed vacation of the undeveloped Burnett Avenue North right-of way and the sale of the vacated right-of-way and the SFPUC parcel, Block 2719C Lot 23, to the owner of Lot 36. The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, in-conformity with the following Objectives and Policies of the General Plan:

Urban Design Element

POLICY 2.8
Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

POLICY 2.9
Review proposals for the giving up of street areas in terms of all the public values that streets afford.

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

a. No release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation;
2. Interference with the rights of access to any private property;
3. Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement;
4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations;
5. Elimination or reduction of open space which might feasibly be used for public recreation;
6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility;
7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street;
8. Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk;
9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment;
10. Removal of significant natural features, or detriment to the scale and character of surrounding development.

11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning; or
12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

1. Necessary for a subdivision, redevelopment project or other project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern;
2. In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations;
3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

POLICY 2.10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

Policy 2.9 a. of the Urban Design Element of the General Plan lists various criteria to consider when determining if a street vacation can be recommended. In this case, the undeveloped Burnett Avenue North right-of-way is an inaccessible remnant of a "paper" street that will never be built, while the street vacation will provide needed street access to Lot 36. The first of the criteria in Policy 2.9a is whether the street vacation is a "detriment to vehicular or pedestrian circulation", and the Burnett Avenue North right-of-way has no current or future role in vehicular or pedestrian circulation, except its potential to provide street access to Lot 36. Policy 2.9 a. also states that street vacations that would cause "interference with the rights of access to any private property" are not recommended. In this case, the street vacation and sale of the undeveloped Burnett Avenue North right-of-way would actually improve street access to Lot 36 that currently does not exist and allow the City and County to comply with the terms of a settlement agreement that resolves longstanding litigation between the owner of Lot 36,

neighboring properties, and the City while receiving fair market compensation for these City-owned parcels. The sale of the vacated right-of-way would stipulate that the property owner could not alienate Lot 36 from street access in future sales, so street access will be guaranteed for Lot 36 and any residential development that occurs on that parcel in the future.

Most of the criteria listed in Urban Design Element Policy 2.9 a. support the vacation of the undeveloped right-of-way and the sale of both the undeveloped right-of-way and SFPUC parcel. However, the eighth of the criteria must be looked at more closely because it considers actions that would result in "Enlargement of a property that would result in (i) additional dwelling units in a multi-family area" as an unfavorable outcome. While the vacation and sale of the undeveloped right-of-way and SFPUC parcel could potentially add residential development capacity, these actions do not result in an enlargement of Lot 36 for additional dwelling units. Enlargement of Lot 36 would require the property owner to seek additional actions and approvals from the City. Given that any concerns raised by the criteria listed in 2.9 a. are tenuous or indirect and the need for the project is clear, on balance these policies support the vacation of the undeveloped right-of-way.

Policy 2.10 suggests that the release of street areas be done in the least extensive and permanent manner appropriate to each case. As mentioned in the project description, the SFPUC has a mandate to receive fair market value for surplus properties and, as a result, the sale of the city owned parcels is the preferred option because an easement would render the SFPUC parcel unusable and significantly decrease its value. As previously mentioned, the undeveloped right-of-way will never exist as a public street so the sale of the right-of-way, while permanent, would have no impact on public access or circulation other than allowing Lot 36 access to Burnett Avenue.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 5
ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.

POLICY 5.1 - Maintain an adequate water distribution system within San Francisco.

POLICY 5.2 - Exercise controls over development to correspond to the capabilities of the water supply and distribution system.

POLICY 5.3 - Ensure water purity.

The SFPUC parcel Block 2719C Lot 23 has been determined to be surplus to the SFPUC's needs. Along with the North Burnett Avenue paper street right-of-way, the SFPUC parcel will be sold to the owner of Lot 36 at fair market value per the terms of the legal settlement to provide street access to Lot 36 from Burnett Avenue. The revenue from the property sale of the SFPUC parcel will fund the maintenance and

improvement of the complex water supply system that SFPUC manages helping to achieve the objectives and policies stated above.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 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 Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

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

   The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not be negatively affected

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

   The Project would have no adverse effect on the City's supply of affordable housing.

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

   The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

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 residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

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

   The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

7. That landmarks and historic buildings be preserved.

   This site has no buildings so no landmarks would be affected.

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

   The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION:	**Finding the Project, on balance, in-conformity with the General Plan**

Attachments:
Lot Map
Aerial Site Photo

cc: Robb Kapla, Deputy City Attorney, Office of the City Attorney

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
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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 proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Monday, February 12, 2018**

Time: **1:30 p.m.**

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

Subject: **File No. 171013.** Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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 is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, February 9, 2018.

Angela Calvillo
Clerk of the Board

DATED: January 31, 2018
PUBLISHED/POSTED: February 2, 2018

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COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description JEC - LUT File No. 171013 - 2018.02.12

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

02/02/2018

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE MONDAY, FEBRUARY 12, 2018 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

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GOVERNMENT

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE MONDAY, FEBRUARY 12, 2018 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

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: File No. 171013. Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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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NOTICE OF REGULAR MEETING SAN FRANCISCO BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE FEBRUARY 5, 2018 - 1:30 PM CITY HALL, LEGISLATIVE CHAMBER, ROOM 250 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

The agenda packet and legislative files are available at www.sfbos.org, in Rm 244 at the address listed above, or by calling (415) 554-5184.

EMPLOYMENT

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September 25, 2017

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

Dear Commissioners:

On September 19, 2017, Supervisor Sheehy introduced the following legislation:

File No. 171013

Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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

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

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

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September 25, 2017

File No. 171013

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

Dear Ms. Gibson:

On September 19, 2017, Supervisor Sheehy introduced the following proposed legislation:

File No. 171013

Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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

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

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

BOARD of SUPERVISORS

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MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Harlan Kelly, Jr., General Manager, Public Utilities Commission

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

DATE: September 19, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Sheehy on September 19, 2017:

File No. 171013

Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

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

- [x] 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. _____
- [ ] 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
- [x] Planning Commission
- [ ] Building Inspection Commission

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

Sponsor(s):

Sheehy

Subject:

Planning Code, Zoning Map - Amend Zoning Map Pursuant to Settlement

The text is listed:

attached

Signature of Sponsoring Supervisor:

For Clerk's Use Only