

BOARD of SUPERVISORS



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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development
Tom Hui, Director, Department of Building Inspection
Nadia Sesay, Interim Executive Director, Office of Community Investment and Infrastructure

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: March 29, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Sheehy on March 21, 2017:

File No. 170296

Ordinance amending the Planning Code and Sectional Maps SU06 and SU07 of the Zoning Map, retroactive to March 21, 2017, to create the Corona Heights Large Residence Special Use District (the area within a perimeter established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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: alisa.somera@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Kate Hartley, Mayor's Office of Housing and Community Development
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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

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3 **Ordinance amending the Planning Code and Sectional Maps SU06 and SU07 of the**
4 **Zoning Map, retroactive to March 21, 2017, to create the Corona Heights Large**
5 **Residence Special Use District (the area within a perimeter established by Market**
6 **Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way,**
7 **the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern**
8 **property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street),**
9 **to promote and enhance neighborhood character and affordability by requiring**
10 **Conditional Use authorization for large residential developments in the district;**
11 **affirming the Planning Department's determination under the California Environmental**
12 **Quality Act; making findings of consistency with the General Plan, and the eight**
13 **priority policies of Planning Code, Section 101.1; and adopting findings of public**
14 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

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

23 Section 1. Findings.

24 (a) The Planning Department has determined that the actions contemplated in this
25 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

1 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
2 determination.

3 (b) On _____, the Planning Commission, in Resolution No. _____,
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
6 Board adopts these findings [OR, this determination] as its own. A copy of said Resolution
7 [OR determination] is on file with the Clerk of the Board of Supervisors in File No.
8 _____, and is incorporated herein by reference.

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

15
16 Section 2. The Planning Code is hereby amended by adding Section 249.77, to read
17 as follows:

18 **SEC 249.77. CORONA HEIGHTS LARGE RESIDENCE SPECIAL USE DISTRICT.**

19 (a) **General.** A special use district entitled the "Corona Heights Large Residence Special
20 Use District," consisting of the area within a perimeter established by Market Street, Clayton Street,
21 Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of parcel
22 2620/063, the eastern property line of parcel 2619/001A, and Douglass Street, which includes RH-1,
23 RH-2, and RH-3 Use Districts, is hereby established for the purposes set forth below. The boundaries
24 of the Corona Heights Large Residence Special Use District are designated on Sectional Maps No.
25 SU06 and No. SU07 of the Zoning Map of the City and County of San Francisco.

1 **(b) Purpose.** To protect and enhance existing neighborhood character, encourage new
2 infill housing at compatible densities and scale, and provide for thorough assessment of proposed
3 large-scale residences that could adversely impact the area and affordable housing opportunities, the
4 following controls in subsections (c)-(f) are imposed in the Corona Heights Large Residence Special
5 Use District.

6 **(c) Controls.** All applicable provisions of the Planning Code shall continue to apply in the
7 Corona Heights Large Residence Special Use District, except as otherwise provided in this Section
8 249.77.

9 **(d) Conditional Use Authorizations.** For all parcels zoned RH-1, RH-2, or RH-3 within the
10 Corona Heights Large Residence Special Use District, the following developments shall require a
11 Conditional Use authorization:

12 (1) Residential development on a vacant parcel that will result in total gross floor area
13 exceeding 3,000 square feet;

14 (2) Residential development on a developed parcel that will result in total gross floor
15 area in excess of 3,000 square feet and a cumulative increase in gross floor area, including all
16 development performed on the parcel in the preceding five years, of:

17 (A) more than 75% without increasing the existing legal unit count as it existed
18 five years prior; or

19 (B) more than 100% if increasing the existing legal unit count.

20 (3) Residential development, either as an addition to an existing building or as a new
21 building, that results in less than 45% rear yard depth.

22 **(e)** In acting on any application for Conditional Use authorization within the Corona
23 Heights Large Residence Special Use District, the Commission shall consider the Conditional Use
24 authorization requirements set forth in subsection 303(c) and, in addition, shall consider whether facts
25 are presented to establish, based on the record before the Commission, one or more of the following:

1 (1) The proposed project promotes housing affordability by increasing housing supply;

2 (2) The proposed project maintains affordability of any existing housing unit; or

3 (3) The proposed project is compatible with existing development.

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5 Section 3. The San Francisco Planning Code is hereby amended by amending
6 Sectional Maps SU06 and SU07 of the Zoning Map of the City and County of San Francisco,
7 as follows:

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<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
All parcels within a perimeter established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of parcel 2620/063, the eastern property line of parcel 2619/001A, and Douglass Street	Corona Heights Large Residence Special Use District

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18 Section 4. Effective Date; Retroactivity.

19 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
20 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
21 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
22 Mayor's veto of the ordinance.

23 (b) This ordinance shall be retroactive to March 21, 2017. This means that building
24 permits approved on or after March 21, 2017 shall be subject to this 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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LEGISLATIVE DIGEST

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

Ordinance amending the Planning Code and Sectional Maps SU06 and SU07 of the Zoning Map, retroactive to March 21, 2017, to create the Corona Heights Large Residence Special Use District (the area within a perimeter established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Under the Planning Code, the parcels within the area established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of parcel 2620/063, the eastern property line of parcel 2619/001A, and Douglass Street ("SUD Area") are subject to RH-1, RH-2, and RH-3 zoning controls. Properties located within the SUD Area that are zoned RH-1 are permitted to cover up to 75% of the lot without seeking a Variance or Conditional Use authorization. Properties zoned RH-2 and RH-3 within the SUD Area are permitted to cover more than 55% of lot without seeking a Variance or Conditional Use authorization. For all properties, regardless of zoning classification, within the SUD Area, there are no requirements for Conditional Use authorization based on the size of a proposed addition.

Interim Controls

On March 9, 2017, the Board of Supervisors adopted Resolution 76-15, which first outlined the SUD Area and established Interim Controls for the area. The Interim Controls required Conditional Use authorization for any residential development that resulted in: (1) greater than 55% lot coverage; (2) total residential square footage exceeding 3,000 gross square feet on a vacant parcel; or (3) total existing gross square footage on a developed parcel in excess of 3,000 square feet and by (a) more than 75% without increasing the existing legal unit count or (b) more than 100% if increasing the existing legal unit count. Resolution 461-16 extended the Interim Controls for an additional six months through March 20, 2017.

Amendments to Current Law

The proposed legislation amends the Planning Code to add section 249.77, titled the Corona Heights Large Residence Special Use District ("Corona Heights SUD"), and amends Sectional Maps SU06 and SU07 to create the Corona Heights SUD in the City's Zoning Map.

The Corona Heights SUD permanently codifies the Conditional Use authorization requirements established in the Interim Controls with three changes. First, the Corona Heights SUD clarifies that the lot coverage trigger pertains to the rear yard setback and not total lot coverage, as was the case in the Interim Controls. Second, the Corona Heights SUD will consider cumulative development over the last five years when determining whether the 75% (no increase in units) or 100% (increase in units) triggers apply for already developed parcels with greater than 3,000 square feet of gross floor area. This change ensures that development will not be able to use incremental permitting to avoid the Conditional Use authorization requirement. Finally, the Corona Heights SUD requires that, in addition to the criteria in Planning Code section 303(c), the Planning Commission shall consider the development's impacts on housing affordability and its compatibility with existing development before authorizing the conditional use.

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