

File No. 180389 Committee Item No. 3
 Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 30, 2018

Board of Supervisors Meeting _____ Date _____

Cmte Board

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Completed by: Erica Major Date July 26, 2018

Completed by: Erica Major Date _____

1 [Planning Code, Zoning Map - Amend Zoning Map and Abolish Legislated Setback
2 on 19th Avenue Between Quintara and Rivera Streets]

3 **Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on**
4 **the west side of 19th Avenue between Quintara Street and Rivera Street, and revising**
5 **the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2**
6 **(Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031**
7 **(1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to**
8 **RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No.**
9 **001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-**
10 **19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue);**
11 **adopting findings under the California Environmental Quality Act; and making findings**
12 **of consistency with the General Plan, and the eight priority policies of Planning Code,**
13 **Section 101.1, and findings of public necessity, convenience, and welfare under**
14 **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. Environmental and Land Use 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. 180389 and is incorporated herein by reference. The Board affirms
2 this determination.

3 (b) On July 26, 2018, in Resolution No. 20245, the Planning Commission determined
4 that the actions contemplated in this ordinance are consistent, on balance, with the City's
5 General Plan and eight priority policies of Planning Code Section 101.1. The Board of
6 Supervisors adopts this determination as its own. The Planning Commission Resolution is on
7 file with the Clerk of the Board of Supervisors in File No. 180389 and is incorporated herein by
8 reference.

9 (c) On July 26, 2018, in Resolution No. 20245, the Planning Commission adopted
10 findings under Planning Code Section 302 determining that this ordinance serves the public
11 necessity, convenience, and general welfare. The Board of Supervisors adopts these findings
12 as its own.

13
14 Section 2. Findings Regarding Legislated Setback Line and Zoning Map Amendments.

15 (a) Consistent with former Article 4 of the Planning Code, which was superseded in
16 October 1978 pursuant to Ordinance No. 443-78, Section 131 of the current Planning Code
17 acknowledges certain City street frontages are subject to legislated setback lines that have
18 been established by ordinance or resolution pursuant to former Article 4 of the Planning Code
19 and earlier provisions of law. Ordinance No. 443-78 expressly continued the effectiveness of
20 certain legislated setbacks as regulations of the Planning Code, including a legislated setback
21 line running from north to south along a portion of the west side of 19th Avenue, between
22 Quintara Street and Rivera Street (as described herein, the "Nine-Foot Legislated Setback
23 Line"). The setback area begins at the eastern boundary of Assessor's Block 2198 (the
24 western boundary of 19th Avenue) and extends nine feet westward. From north to south, the
25 Nine-Foot Legislated Setback Line begins at the northern boundary of Assessor's Block No.

1 2198, Lot No. 001; extends to the south through Assessor's Parcel Block No. 2198 through
2 Assessor's Block No. 2198, Lot Nos. 001, 037, 033, 034, and 007; and ends at the southern
3 boundary of Assessor's Block No. 2198, Lot No. 008.

4 (b) Abolition of the Nine-Foot Legislated Setback Line could facilitate transit-oriented
5 housing and development at a density greater than what would be permissible with the Nine-
6 Foot Legislated Setback Line in effect. Currently, many San Francisco neighborhoods are not
7 subject to legislated front yard setbacks. In the Sunset District, legislated front yard setbacks
8 apply primarily to small scale residential streets. Generally, front yard setbacks are imposed
9 to enhance the pedestrian frontage of the street, however, front yard setbacks are not
10 essential to enhancement of the pedestrian frontage. There are many provisions within the
11 Residential Design Guidelines that encourage the use of landscaping with or without a front
12 yard setback. The application of front yard setbacks along the west side of 19th Avenue is an
13 anomaly because 19th Avenue is a major transportation corridor with a variety of land uses,
14 including multifamily housing and commercial uses. Furthermore, the front yard setback is
15 applied unevenly on 19th Avenue between Quintara Street and Rivera Street. On the west
16 side of 19th Avenue between Quintara Street and Rivera Street, three different front yard
17 setbacks apply (nine-foot, six-foot, and three-foot setbacks), while there are no front yard
18 setbacks on the east side of 19th Avenue. The Nine-Foot Legislated Setback Line is
19 unnecessary, and its abolition would serve the public necessity, convenience, and general
20 welfare.

21 (c) Policy 13.1 of the General Plan Housing Element "[s]upport[s] 'smart' regional
22 growth that locates new housing close to jobs and transit," and Policy 13.3 of the General
23 Plan "[p]romote[s] sustainable land use patterns that integrate housing with transportation in
24 order to increase transit, pedestrian, and bicycle mode share." These policies support the
25 rezoning of parcels along 19th Avenue between Quintara Street and Rivera Street, an arterial

1 street served by public transit, to enable mixed-use residential development at a density level
2 greater than the density allowed in the RH-1 and RH-2 Districts.

3 Section 4. Abolition of Legislated Setback Line. The Planning Code is hereby
4 amended by abolishing the Nine-Foot Legislated Setback Line referenced in Section 2 of this
5 ordinance.

6 Section 5. Amendment of Zoning Map. The Planning Code is hereby amended by
7 revising Sheet ZN05 of the Zoning Map as follows:

Description of Property	Use District To Be Superseded	Use District Hereby Approved
Block 2198, Lot 001 (intersection of 19th Avenue and Quintara Street at southwest corner)	RH-2	RM-2
Block 2198, Lot 031 (1021 Quintara Street)	RH-1	RM-2
Block 2198, Lot 033 (2121 19th Avenue)	RH-2	RM-2
Block 2198, Lot 034 (2145 19th Avenue)	RH-2	RM-2
Block 2198, Lot 037 (2115 19th Avenue)	RH-2	RM-2

17
18 Section 6. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22 ///


23 ///

24 ///

25 ///

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

3 By:


4 CHRISTOPHER T. TOM
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Amend Zoning Map and Abolish Legislated Setback on 19th Avenue Between Quintara and Rivera Streets]

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Zoning Districts. Under the existing Zoning Map, Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street) is in the RH-1 Zoning District, and Assessor's Parcel Block No. 2198, Lot No. 001 (intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121 19th Avenue), Lot No. 034 (2145 19th Avenue), and Lot No. 037 (2115 19th Avenue) are in the RH-2 Zoning District.

Legislated Setbacks. Under the existing Zoning Map, certain properties on the west side of 19th Avenue, between Quintara Street and Rivera Street, are subject to a legislated setback line running from north to south along a portion of the west side of 19th Avenue, between Quintara Street and Rivera Street (as described herein, the "Nine-Foot Legislated Setback Line"). The setback area begins at the eastern boundary of Assessor's Block 2198 (the western boundary of 19th Avenue) and extends nine feet westward. From north to south, the Nine-Foot Legislated Setback Line begins at the northern boundary of Assessor's Block No. 2198, Lot No. 001; extends to the south through Assessor's Parcel Block No. 2198 through Assessor's Block No. 2198, Lot Nos. 001, 037, 033, 034, and 007; and ends at the southern boundary of Assessor's Block No. 2198, Lot No. 008.

Amendments to Current Law

Rezoning. This ordinance would revise the Zoning Map to rezone from RH-1 to RM-2 Assessor's Parcel Block No. 2198, Lot No. 031, and to rezone from RH-2 to RM-2 Assessor's Parcel Block No. 2198, Lot No. 001, Lot No. 033, Lot No. 034, and Lot No. 037.

Abolishing Legislated Setbacks. This ordinance would abolish the Nine-Foot Legislated Setback Line.

Background Information

Consistent with former Article 4 of the Planning Code, which was superseded in October 1978 pursuant to Ordinance No. 443-78, Section 131 of the current Planning Code acknowledges certain City street frontages are subject to legislated setback lines that have been established by ordinance or resolution pursuant to former Article 4 of the Planning Code and earlier provisions of law, including the Nine-Foot Legislated Setback Line.

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SAN FRANCISCO PLANNING DEPARTMENT

July 26, 2018

Ms. Angela Calvillo, Clerk
Honorable Supervisor Tang
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: 2018-006177MAP
Amend Zoning Map & Abolish Legislated Setback on 19th Avenue
between Quintara and Rivera Streets
Board File No. 180389
Planning Commission Recommendation: Approve with Modifications**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Calvillo and Supervisor Tang,

On July 26, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance that would amend the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revise the Zoning Map to rezone one lot from RH-1 to RM-2 and to rezone 4 lots from RH-2 to RM-2. At the hearing the Planning Commission recommended approval with modifications.

The Planning Commission approves the proposed ordinance as drafted contingent upon the building of a bulb out along the site at 19th Avenue, as currently proposed by the SFMTA. If the bulb out along 19th Avenue is not approved, the Planning Commission recommends maintaining the nine-foot legislated setback on 19th Avenue.

The proposed amendments are exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)).

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,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", with a long horizontal line extending to the right.

Aaron D. Starr
Manage of Legislative Affairs

cc:

Peter R. Miljanich, Deputy City Attorney
Menaka Mohan, Legislative Aide to Supervisor Tang
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20245

HEARING DATE JULY 26, 2018

Project Name: Amend Zoning Map & Abolish Legislated Setback on 19th Avenue
between Quintara and Rivera Streets

Case Number: 2018-006177MAP [Board File No. 180389]

Initiated by: Supervisor Tang / Introduced April 17, 2018

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

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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY ABOLISHING A NINE-FOOT LEGISLATED SETBACK ON THE WEST SIDE OF 19TH AVENUE BETWEEN QUINTARA STREET AND RIVERA STREET, AND REVISING THE ZONING MAP TO REZONE FROM RH-1 (RESIDENTIAL, HOUSE; ONE-FAMILY) TO RM-2 (RESIDENTIAL, MIXED; MODERATE DENSITY) ASSESSOR'S PARCEL BLOCK NO. 2198, LOT NO. 031 (1021 QUINTARA STREET), AND TO REZONE FROM RH-2 (RESIDENTIAL, HOUSE; TWO-FAMILY) TO RM-2 (RESIDENTIAL, MIXED; MODERATE DENSITY) ASSESSOR'S PARCEL BLOCK NO. 2198, LOT NO. 001 (LOCATED AT THE INTERSECTION OF 19TH AVENUE AND QUINTARA STREET), LOT NO. 033 (2121-19TH AVENUE), LOT NO. 034 (2145-19TH AVENUE), AND LOT NO. 037 (2115-19TH AVENUE); ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on March 17, 2018 Supervisor Tang introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180389, which would amend the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revise the Zoning Map to rezone one lot from RH-1 to RM-2 and to rezone 4 lots from RH-2 to RM-2;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 26, 2018; and,

WHEREAS, the proposed Ordinance is exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)); 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

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

MOVED, that the Planning Commission hereby **approves** the proposed ordinance contingent upon the building of a bulb out along the site at 19th Avenue as currently proposed by the SFMTA. If the bulb out along 19th Avenue is not approved, the Planning Commission hereby **approves with modifications** the proposed ordinance.

The modifications include the following:

Maintain the nine-foot legislated setback on 19th Avenue. Staff is proposing to maintain the legislative setback in order to preserve pedestrian safety along a busy corridor and ensure the single-family residence immediately adjacent to the site's southern edge is protected from the intrusion of a solid wall along their property line. Although the area immediately surrounding the site contains extremely inconsistent legislated setback lines, the location of single-family homes subject to the nine-foot setback immediately adjacent to the proposed site, and the General Plan's objectives to improve the city's pedestrian circulation to provide for efficient, pleasant, and safe movement, and to increase personal safety, comfort, pride and opportunity make it difficult to justify removing the setback along the proposed parcels.

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:

The proposed Ordinance's removal of the 9 foot legislated setback is *inconsistent* with the following objectives and policies of the General Plan:

TRANSPORTATION ELEMENT

OBJECTIVE 18

ESTABLISH A STREET HIERARCHY SYSTEM IN WHICH THE FUNCTION AND DESIGN OF EACH STREET ARE CONSISTENT WITH THE CHARACTER AND USE OF ADJACENT LAND.

The proposed removal of the legislated setback would reduce landscaping on 19th Avenue by filling in the required setback. The legislated setback was established to maintain a consistent character on key city streets, as well as to improve pedestrian safety and provide a sense of relief from the heavy traffic on this state highway. Eliminating the setback would create unsafe conditions for pedestrians on 19th Avenue.

OBJECTIVE 23

IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

Policy 23.1

Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

Policy 23.3

Maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks and forcing indirect crossings to accommodate automobile traffic.

By eliminating the required setback on 19th Avenue, the sidewalk width on this busy traffic corridor would be reduced, which would decrease safety and comfort for pedestrians.

1. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are *consistent* with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

The proposed rezoning of the five parcels from RH-1 and RH-2, to RM-2, will facilitate the development of the underutilized and undeveloped parcels as much needed housing. The property owner plans to use HOME SF in the development of the parcels, which would bring affordable housing units to the district.

OBJECTIVE 7

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

The properties subject to the proposed Ordinance would be rezoned to RM-2, which would allow the property owner to not only build denser housing, but also utilize the HOME SF program. The HOME SF program is designed to incentivize affordable housing development through the allowance of additional density if family-friendly, affordable housing is included on-site.

TRANSPORTATION ELEMENT

OBJECTIVE 2

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The proposed zoning change on the 5 subject parcels would facilitate denser housing located along a major thoroughfare with access to public transportation. The site borders Quintara Street to the north, which hosts the 48 and 66 Muni bus lines, and borders 19th Avenue to the east, which hosts the 28 and 28R Muni bus lines.

2. **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.

3. **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 WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 26, 2018.



Jonas P. Ionih
Commission Secretary

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

NOES: None

ABSENT: Hillis

ADOPTED: July 26, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Planning Code Text and Zoning Map Amendment

HEARING DATE: JULY 12, 2018

EXPIRATION DATE: JULY 16, 2018

1650 Mission St.
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Project Name: **Amend Zoning Map & Abolish Legislated Setback on 19th Avenue between Quintara and Rivera Streets**

Case Number: **2018-006177PCA/MAP [Board File No. 180389]**

Initiated by: **Supervisor Tang / Introduced April 17, 2018**

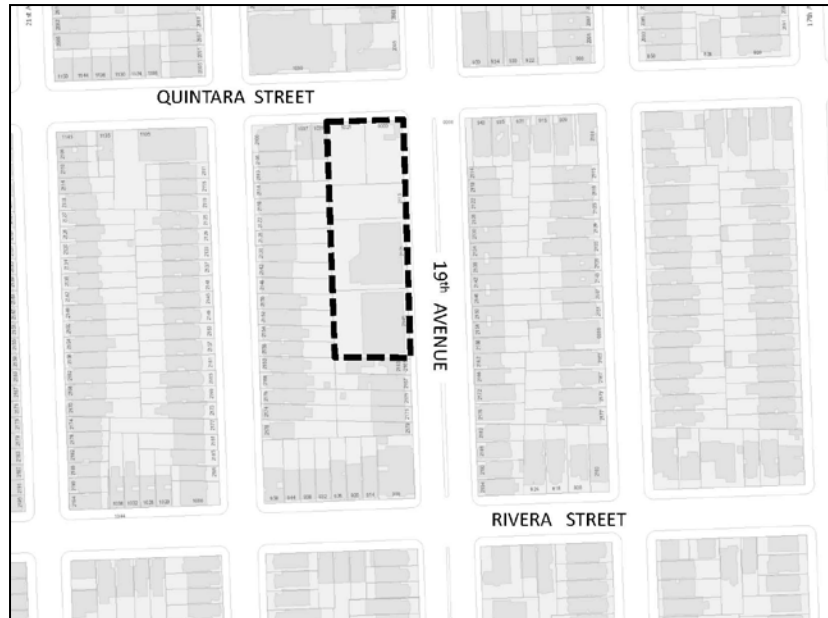
Staff Contact: **Audrey Butkus, Legislative Affairs**
audrey.butkus@sfgov.org, (415) 575-9129

Reviewed by: **Aaron Starr, Manager of Legislative Affairs**
aaron.starr@sfgov.org, 415-558-6362

Recommendation: **Recommend Approval with Modification**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code & Zoning Map by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revise the Zoning Map to rezone one lot from RH-1 to RM-2 and to rezone 4 lots from RH-2 to RM-2. The rezoning has been introduced by Sup. Tang at the request of the property owner of all lots, who seeks to build housing on the sites utilizing HOME SF.



The Way It Is Now:

1. The five parcels subject to the re-zoning are currently zoned either RH-1(northwestern parcel only) or RH-2. The northwest parcel is undeveloped. The northeast parcel contains a flower shop and surface parking lot. The center parcel is both undeveloped and a surface parking lot. The southernmost two parcels each contain a 2-story office building. The parcels fronting 19th Avenue are subject to a nine-foot legislated setback (see Exhibits B & C).

The Way It Would Be:

1. The five parcels would all be rezoned to Residential, Mixed; Moderate Density (RM-2). The parcels fronting 19th Avenue would no longer have a legislated setback.

BACKGROUND

In 2016, the property owner, who owns all of the subject properties, filed a request for a Preliminary Project Assessment (PPA). The project proposed in the PPA (see Exhibit D) would merge the five parcels into one 45,250 square foot lot. Under the proposal, the two office buildings and rear parking lots would remain in their current uses, but fifteen of the existing surface parking spaces would be removed. The proposed project also included the construction of a new mixed-use building on lots 001, 031 and 037. The proposed four-story mixed-use building would be 40 feet tall and contain 42 dwelling units, 42 bicycle parking spaces, and a 615-sf ground floor retail space for the existing flower stand to remain. The number of proposed parking spaces was inconsistent, with the application proposing 96 spaces, and the plans indicating 56 spaces. Common open space for the residents would be provided in a 1,720-sf courtyard at the second floor as well as in a 3,559-sf roof deck. The dwelling units would be rental units.

The Preliminary Project Assessment made by staff determined that a Conditional Use authorization for a Planned Unit Development (PUD) would be necessary in order for the project as proposed to move forward. The Department also found the proposed project hampered the pedestrian atmosphere along 19th Avenue with the removal of the nine-foot legislated setback, and the blank wall design of the building. Further, the staff determined that legislation would be required to alter the legislated setback along 19th Avenue.

The property owner informed the sponsoring supervisor's office that the project proposed in the PPA will no longer be pursued. While revised plans have not been provided to the Department, the property owner has expressed an interest in building a HOME SF project on the site. The property owner originally sought to use the State Density Bonus Program for affordable housing; however, because what he was proposing could only be achieved through a PUD, the state density bonus was not available to him. PUDs are a discretionary increase in density granted by the Planning Commission above what is allowed as-of-right under current zoning. The state law may, however, be applied on the Base Design Scheme, which reflects the allowable Code-complying density.

ISSUES AND CONSIDERATIONS

RM (Residential Mixed) Districts

RM district category includes four different zoning districts: RM-1 (Low-Density), RM-2 (Moderate Density), RM-3 (Medium Density) and RM-4 (High Density). These districts are intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms according to the individual district designations. Despite the range of densities and building sizes, most structures are of a scale that respects the traditional lot patterns, open spaces and articulation of façades typical of San Francisco neighborhoods. These districts provide unit sizes and types suitable for a variety of households, and contain supporting nonresidential uses.

RM-2 (Residential, Mixed/ Moderate Density) Districts are generally similar to RM-1 Districts, but the overall density of units is greater and the mixture of building types and unit sizes is more pronounced. Building widths and scales remain moderate, and considerable outdoor space is still available. The unit density permitted requires careful design of new structures in order to provide adequate amenities for the residents. Where nonresidential uses are present, they tend to offer services for wider areas than in RM-1 Districts.

	RH-1	RH-2	RM-2
Usable Open Space Requirement	At least 300 square feet if private, and 400 square feet if common.	At least 125 square feet if private, and 166 square feet if common.	At least 80 square feet if private, and 106 square feet per Dwelling Unit if common.
Dwelling Unit Density	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	Up to one unit per 600 square feet of lot area.
Max # of Units Allowed on Subject Parcels Under Current Zoning	9		
Max # of Units Allowed on Subject Parcels Under Current Zoning with PUD	41		
Maximum # of Units Allowed on Subject Parcels Under Proposed Legislation			170

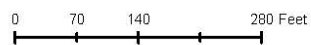
Development Comparison

The proposed zoning change would not alter the required front setbacks, side yard requirements, or street frontage and public realm requirements. The required rear yard is 45% of the lot depth in both the RH-2 and RM-2 Districts, and 25% of lot depth in RH-1 Districts, therefore the proposed zoning change would increase the rear yard requirement of the lot currently zoned RH-1. The largest difference between the existing zoning and proposed zoning is the open space requirements and dwelling unit density maximums as illustrated above.

Neighborhood Context

Although the majority of the surrounding zoning is RH-1 and RH-2, the area surrounding the subject parcels along 19th Avenue does not solely consist of 2-unit or single-family homes (*see map on following page*). Within a three-hundred foot radius of the subject parcels are several apartment buildings containing between 7-11 units each, an auto service station, a church, and a nursing home. 19th Avenue is also a major thoroughfare that is well served by public transit, making the subject parcels ideal for the denser housing allowed under RM-2 zoning.

Land Uses along 19th Avenue and Surrounding Subject Parcels



Legislated Setback:

Legislated setback lines are similar to required front setbacks outlined in the Planning Code; however, instead of being a Code requirement, legislated setbacks were enacted by the Board of Supervisors. As such, they cannot be varied by the Zoning Administrator and can only be removed through legislative action by the Board. Legislative setback lines are usually only found in the western side of the City.

The current legislated setback lines on the block in which the subject parcels are located are inconsistent. On the north side of the block (Quintara Street), there is no legislated setback. On the 19th Avenue side of the block the legislated setback lines vary from nine feet to as little as three feet (see Exhibit C). Across the street along 19th Avenue there is no legislated setback.

The proposed legislation seeks to remove the nine-foot legislated setback in order to increase the density of any future proposed project. The benefit to removing the setback is the potential increase in the number of dwelling units that may result from the additional nine feet of buildable area. The PPA issued in 2016 however, found potential issues with the removal of the setback, including many inconsistencies with the General Plan.

Some concerns raised by the Department in the PPA included: 1) Eliminating the required setback would reduce the sidewalk width on a busy traffic corridor in a primarily residential neighborhood, which would decrease safety and comfort for pedestrians; 2) The removal would be incompatible with the surrounding context as a project would fill in the front setback, meant to assure the provision of open space and maintenance of sunlight and views in this lower density neighborhood.

In addition to the Department's findings in the PPA, the housing that borders the southern edge of the proposed site must also be considered. To the immediate south of the site are a series of single-family, detached homes. The two homes most directly south of the site are also subject to a nine-foot legislated setback. Under RM-2 zoning, any new building's front setback will be calculated based off of the averaging of adjacent neighbors if no setback exists. However even with this averaging, and if the nine-foot legislated setback is removed, the single-family home immediately adjacent to the property may be subject to a wall of several feet along their property line and abutting their home.

Implementation:

The Ordinance would not significantly impact our current implementation procedures or staff time due to the fact that the proposed Ordinance covers a small area that will likely result in one project.

General Plan Priorities:

The proposed Ordinance's rezoning of parcels from RH-1 and RH-2 to RM-2 is *consistent* with the following objectives and policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

The proposed rezoning of the five parcels from RH-1 and RH-2, to RM-2, will facilitate the development of the underutilized and undeveloped parcels as much needed housing. The property owner plans to use HOME SF in the development of the parcels, which would bring affordable housing units to the district.

OBJECTIVE 7

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

The properties subject to the proposed Ordinance would be rezoned to RM-2, which would allow the property owner to not only build denser housing, but also utilize the HOME SF program. The HOME SF program is designed to incentivize affordable housing development through the allowance of additional density if family-friendly, affordable housing is included on-site.

TRANSPORTATION ELEMENT

OBJECTIVE 2

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The proposed zoning change on the 5 subject parcels would facilitate denser housing located along a major thoroughfare with access to public transportation. The site borders Quintara Street to the north, which hosts the 48 and 66 Muni bus lines, and borders 19th Avenue to the east, which hosts the 28 and 28R Muni bus lines.

The proposed Ordinance's removal of the 9 foot legislated setback is *inconsistent* with the following objectives and policies of the General Plan:

TRANSPORTATION ELEMENT

OBJECTIVE 18

ESTABLISH A STREET HIERARCHY SYSTEM IN WHICH THE FUNCTION AND DESIGN OF EACH STREET ARE CONSISTENT WITH THE CHARACTER AND USE OF ADJACENT LAND.

The proposed removal of the legislated setback would reduce landscaping on 19th Avenue by filling in the required setback. The legislated setback was established to maintain a consistent character on key city streets, as well as to improve pedestrian safety and provide a sense of relief from the heavy traffic on this state highway. Eliminating the setback would create unsafe conditions for pedestrians on 19th Avenue.

OBJECTIVE 23

IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

Policy 23.1

Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

Policy 23.3

Maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks and forcing indirect crossings to accommodate automobile traffic.

By eliminating the required setback on 19th Avenue, the sidewalk width on this busy traffic corridor would be reduced, which would decrease safety and comfort for pedestrians.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

- **Recommendation One:** Maintain the nine-foot legislated setback on 19th Avenue.

BASIS FOR RECOMMENDATION

The Department supports the proposed Ordinance's rezoning of the five subject parcels from RH-1 and RH-2 to RM-2, because it will facilitate the development of much needed housing, and in a neighborhood that already contains denser housing than what zoning currently allows. The subject sites are along a major thoroughfare (19th Avenue) wherein single-family and two-unit homes are not as desirable. Zero housing units will be lost with the development of these sites, as all of the lots are either undeveloped, or host non-residential uses. The zoning change will additionally allow the parcels to participate in the HOME SF program, which would bring much needed affordable housing to the Sunset District.

Recommendation One: Maintain the nine-foot legislated setback on 19th Avenue. Staff is proposing to maintain the legislative setback in order to preserve pedestrian safety along a busy corridor and ensure the single-family residence immediately adjacent to the site's southern edge is protected from the intrusion of a solid wall along their property line. Although the area immediately surrounding the site contains extremely inconsistent legislated setback lines, the location of single-family homes subject to the nine-foot setback immediately adjacent to the proposed site, and the General Plan's objectives to improve the city's pedestrian circulation to provide for efficient, pleasant, and safe movement, and to increase personal safety, comfort, pride and opportunity make it difficult to justify removing the setback along the proposed parcels.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

ENVIRONMENTAL REVIEW

The proposed amendments will have been completely and fully evaluated for any potential environmental impacts before the July 12, 2018 Commission hearing, and all environmental documents will be made available to the Commission before on or before July 12, 2018.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Site Photos
- Exhibit C: Legislated Setback Lines Map
- Exhibit D: 2015-009973PPA
- Exhibit E: Board of Supervisors File No. 180389

Received
7/25/18 @ 4:30

SOB Det
Leg Clerk

Member, Board of Supervisors
District 4



City and County of San Francisco

KATY TANG

DATE: July 25, 2018

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Katy Tang, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 31, 2018, as Committee Reports:

180752 Planning Code - Accessory Dwelling Units; In-Lieu Fee for Street Trees

Ordinance amending the Planning Code to allow payment of an in lieu fee for an ADU's street tree requirement; 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.

180389 Planning Code, Zoning Map - Amend Zoning Map and Abolish Legislated Setback on 19th Avenue Between Quintara and Rivera Streets

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 30, 2018, at 1:30 p.m.

City Hall • Dr. Carlton B. Goodlett Place • Room 244 • San Francisco, California 94102-4689 • (415) 554-7460
Fax (415) 554-7432 • TDD/TTY (415) 554-5227 • E-mail: Katy.Tang@sfgov.org

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

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

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

Date: Monday, July 16, 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. 180389.** Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and 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, July 13, 2018.

A handwritten signature in blue ink that reads "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: July 5, 2018

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CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description AS - 7/16/2018 Land Use - 180389 Zoning Map

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):

07/05/2018

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.

EXM# 3150608

NOTICE OF PUBLIC
HEARING
BOARD OF SUPERVISORS
OF THE CITY AND
COUNTY OF SAN FRAN-
CISCO

LAND USE AND TRANS-
PORTATION COMMITTEE
MONDAY, JULY 16, 2018 -
1:30 PM

CITY HALL, 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. 180389**. Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of **19th Avenue between Quintara Street and Rivera Street**, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and 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, July 13, 2018. Angela Calvillo, Clerk of the Board



BOARD of SUPERVISORS



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

April 24, 2018

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

Dear Commissioners:

On April 17, 2018, Supervisor Tang introduced the following legislation:

File No. 180389

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

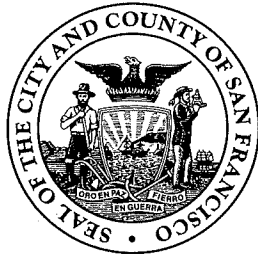
Angela Calvillo, Clerk of the Board

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

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

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

BOARD of SUPERVISORS



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April 24, 2018

File No. 180389

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

Dear Ms. Gibson:

On April 17, 2018, Supervisor Tang introduced the following proposed legislation:

File No. 180389

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

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

