

File No. 150914

Committee Item No. 3

Board Item No. 21

### COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date January 25, 2016

Board of Supervisors Meeting

Date February 2, 2016

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Completed by: Alisa Somera Date January 21, 2016

Completed by: [Signature] Date 01/28/2016

1. [Planning Code - Affordable Housing Review Process]

2  
3 **Ordinance amending the Planning Code to permit provide administrative review of**  
4 **affordable housing, permitting it as a principal use, and not requiring a Planning**  
5 **Commission hearing, with certain exceptions; conditional use permit, Section 309**  
6 **review or large project authorization for affordable housing, except where residential**  
7 **uses are prohibited by the zoning, located in RH zoning districts or on designated**  
8 **public open space or property under the jurisdiction of the Recreation and Parks**  
9 **Department; and affirming the Planning Department's determination under the**  
10 **California Environmental Quality Act; making public necessity, convenience, and**  
11 **general welfare findings under Planning Code, Section 302 findings; and making**  
12 **findings of consistency with the General Plan, and the eight priority policies of**  
13 **Planning Code, Section 101.1.**

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

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

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance ~~comply with~~ are categorically exempt from the California Environmental Quality Act  
25 (California Public Resources Code Sections 21000 et seq.) under CEQA Guidelines Section

1 15060(c). Said determination is on file with the Clerk of the Board of Supervisors in File No.  
2 150914 and is incorporated herein by reference. The Board affirms this determination.

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

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

7 POLICY 8.1: Support the production and management of permanently affordable  
8 housing.

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

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

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

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

18 Providing a clear and certain administrative path for 100% Affordable Project allows the  
19 project to move forward without undue delays and relies on existing Planning Code sections  
20 which provide clear parameters for community review. On \_\_\_\_\_, 2015, the Planning  
21 Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this  
22 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of  
23 Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said  
24 Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is  
25 incorporated herein by reference.

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

3 1. That existing neighborhood-serving retail uses be preserved and enhanced  
4 and future opportunities for resident employment in and ownership of such businesses  
5 enhanced: The proposed amendments will not have a negative effect on neighborhood  
6 serving retail uses and will not affect opportunities for resident employment in and ownership  
7 of neighborhood-serving retail.

8 2. That existing housing and neighborhood character be conserved and  
9 protected in order to preserve the cultural and economic diversity of our neighborhoods: The  
10 proposed amendments will not affect existing housing and neighborhood character as existing  
11 design controls still apply to these projects.

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

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

18 5. That a diverse economic base be maintained by protecting our industrial and  
19 service sectors from displacement due to commercial office development, and that future  
20 opportunities for resident employment and ownership in these sectors be enhanced: The  
21 proposed amendments will not cause displacement of the industrial or service sectors due to  
22 office development, and future opportunities for resident employment or ownership in these  
23 sectors would not be impaired.

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

1 preparedness in the case of an earthquake.

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

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

7 (d) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
8 amendments will serve the public necessity, convenience, and general welfare. for the  
9 reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates  
10 such reasons herein by reference, as though fully set forth herein.

11 Section 2. The Planning Code is hereby amended by adding Section 315, revising  
12 Sections 202, 253, 309 and 329 to read as follows:

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

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

17 (b) Applicability. Notwithstanding anything to the contrary contained in this Planning  
18 Code, this Section 315 shall apply to any project where the principal use is housing comprised  
19 solely of housing that is restricted for a minimum of 55 years as affordable for "persons and  
20 families of low or moderate income," as defined in California Health & Safety Code Section  
21 50093 (an "Affordable Housing Project"). The Affordable Housing Project shall be considered  
22 a principally permitted use and shall comply with the administrative review procedures set  
23 forth in this Section and shall not require conditional use authorization or a Planning  
24 Commission hearing that otherwise may be required by the Planning Code, provided that the  
25 site is not designated as public open space, is not under the jurisdiction of the Recreation and

1 Park Department, is not located in a zoning district that prohibits residential uses, or is not  
2 located in an RH zoning district.

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

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

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

11 (c) Review Process.

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

20 (2) This administrative review shall be identical in purpose and intent to any  
21 Planning Commission review that would otherwise be required by the Planning Code,  
22 including but not limited to Sections 253, 303, 304, 309 or 329, and an Affordable Housing  
23 Project may seek the exceptions set forth in the Planning Code. If an Affordable Housing  
24 Project would otherwise be subject to such Planning Code provisions, the Planning  
25 Department shall consider all the criteria set forth in such Planning Code sections and shall

1 make all required findings in writing when it approves, modifies, conditions, or disapproves an  
2 Affordable Housing Project.

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

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

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

16  
17 **SEC. 202. USES PERMITTED BY THIS CODE.**

18 **\* \* \* \***

19 ~~(e) Notwithstanding anything to the contrary contained in this Planning Code, any~~  
20 ~~project where the principal use is housing comprised solely of housing that is restricted for a~~  
21 ~~minimum of 55 years as affordable for "persons and families of low or moderate income," as~~  
22 ~~defined in California Health & Safety Code Section 50093, shall be considered a principally~~  
23 ~~permitted use and shall not require conditional use authorization, permit review under~~  
24 ~~Planning Code Section 309, authorization as a planned unit development or a large project~~  
25 ~~authorization, provided that the site is not designated as public open space, is not under the~~

1 jurisdiction of the San Francisco Recreation and Park Department, or is not located in a  
2 zoning district that prohibits residential uses or in an RH zoning district. The City may  
3 develop, or cause to be developed, any project where the principal use is housing comprised  
4 solely of housing that is restricted for a minimum of 55 years as affordable for "persons and  
5 families of low or moderate income," as defined in California Health & Safety Code Section  
6 50093, provided that the site is not designated as public open space, is not under the  
7 jurisdiction of the San Francisco Recreation and Park Department, or is not located in a  
8 zoning district that prohibits residential uses or in an RH zoning district. If a non-residential  
9 use contained in any proposed project would require conditional use authorization, permit  
10 review under Planning Code Section 309, authorization as a planned unit development or a  
11 large project authorization, such requirement would apply unless the non-residential use is  
12 accessory to and supportive of the affordable housing on site. Upon request, the Zoning  
13 Administrator shall make a written determination about whether a site is designated as public  
14 open space, which determination may be appealed to the Board of Appeals.

15  
16 ~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A~~  
17 ~~HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC~~  
18 ~~DISTRICTS.~~

19 (a) ~~Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or~~  
20 ~~RC District, established by the use district provisions of Article 2 of this Code, wherever a~~  
21 ~~height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District,~~  
22 ~~is prescribed by the height and bulk district in which the property is located, any building or~~  
23 ~~structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC~~  
24 ~~District, shall be permitted only upon approval by the Planning Commission according to the~~  
25 ~~procedures for conditional use approval in Section 303 of this Code; provided, however, that a~~



1 building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage  
2 on the front façade is subject to the conditional use requirement.; and provided further any  
3 project where the principal use is housing comprised solely of housing that is restricted for a  
4 minimum of 55 years as affordable for "persons and families of low or moderate income," as  
5 defined in California Health & Safety Code Section 50093, and is not located in an RH zoning  
6 district or on a site designated as public open space or under the jurisdiction of the San  
7 Francisco Recreation and Park Department, shall not require conditional use authorization as  
8 described in this Section 253. If any non residential uses contained in the project would  
9 require conditional use authorization, such requirement would apply unless the non residential  
10 use is accessory to and supportive of the affordable housing on site. Upon request, the  
11 Zoning Administrator shall make a written determination about whether a site is designated as  
12 public open space, which determination may be appealed to the Board of Appeals.

13 (b) ~~Commission Review of Proposals.~~

14 ——— (1) In reviewing any such proposal for a building or structure exceeding 40 feet  
15 in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC  
16 District where the street frontage of the building is more than 50 feet the Planning  
17 Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC  
18 Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3,  
19 and 251 hereof, as well as the criteria stated in Section 303(e) of this Code and the objectives,  
20 policies and principles of the General Plan, and may permit a height of such building or  
21 structure up to but not exceeding the height limit prescribed by the height and bulk district in  
22 which the property is located.

23 ——— (2) In reviewing a proposal for a building exceeding 50 feet in RM and RC  
24 districts, the Planning Commission may require that the permitted bulk and required setbacks

1 of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow  
2 streets (rights of way 40 feet in width or narrower) and alleys.

3  
4 ~~SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.~~

5 The provisions and procedures set forth in this Section shall govern the review of  
6 project authorization and building and site permit applications for (1) the construction or  
7 substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain  
8 requirements of this Code where the provisions of this Section are invoked, and (3) the  
9 approval of open space and streetscape requirements of the Planning Code. When any action  
10 authorized by this Section is taken, any determination with respect to the proposed project  
11 required or authorized pursuant to CEQA may also be considered. This Section 309 shall not  
12 require review for any project where the principal use is housing comprised solely of housing  
13 that is restricted for a minimum of 55 years as affordable for "persons and families of low or  
14 moderate income," as defined in California Health & Safety Code Section 50093, provided  
15 that the site is not designated as public open space or under the jurisdiction of the San  
16 Francisco Recreation and Park Department. If any non-residential uses contained in the  
17 project would otherwise require review under this Section 309, such requirement would apply  
18 unless the non-residential use is accessory to and supportive of the affordable housing on-  
19 site. Upon request, the Zoning Administrator shall make a written determination about  
20 whether a site is designated as public open space, which determination may be appealed to  
21 the Board of Appeals. This Section 309 shall not require additional review in connection with  
22 a site or building permit application if review hereunder was completed with respect to the  
23 same proposed structure or alteration in connection with a project authorization application  
24 pursuant to Section 322.

25 ~~\*\*\*\*~~

1           ~~SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS~~  
2 ~~MIXED USE DISTRICTS.~~

3           ~~(a) Purpose. The purpose of this Section is to ensure that all large projects proposed~~  
4 ~~in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission,~~  
5 ~~in an effort to achieve the objectives and policies of the General Plan, the applicable Design~~  
6 ~~Guidelines, and the purposes of this Code.~~

7           ~~(b) Applicability.~~

8           ~~(1) This Section 329 applies to all projects in the Eastern Neighborhoods Mixed~~  
9 ~~Use Districts, except projects in the Western SoMa Special Use District, subject to Section~~  
10 ~~823(c)(12), that meet at least one of the following criteria:~~

11           ~~(1 A) The project includes the construction of a new building greater~~  
12 ~~than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a~~  
13 ~~vertical addition to an existing building with a height of 75 feet or less resulting in a total~~  
14 ~~building height greater than 75 feet; or~~

15           ~~(2 B) The project involves a net addition or new construction of more~~  
16 ~~than 25,000 gross square feet.~~

17           ~~(2) This Section 329 shall not apply to any project where the principal use is housing~~  
18 ~~comprised solely of housing that is restricted for a minimum of 55 years as affordable for~~  
19 ~~"persons and families of low or moderate income," as defined in California Health & Safety~~  
20 ~~Code Section 50093, and is not located on a site designated as public open space or under~~  
21 ~~the jurisdiction of the San Francisco Recreation and Park Department. If any non-residential~~  
22 ~~uses contained in the project otherwise would require large project authorization or~~  
23 ~~conditional use authorization, such requirement would apply unless the non-residential use is~~  
24 ~~accessory to and supportive of the affordable housing on site. Upon request, the Zoning~~

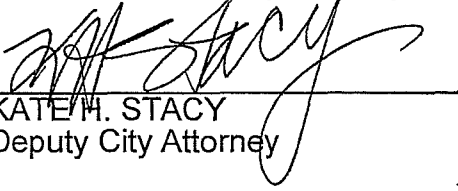
1 Administrator shall make a written determination about whether a site is designated as public  
2 open space, which determination may be appealed to the Board of Appeals.

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

8  
9 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the "Note" that appears under  
14 the official title of the ordinance.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By:

  
19 KATE H. STACY  
20 Deputy City Attorney

21 n:\leganas2016\1600067\01077144.docx  
22  
23  
24  
25

**REVISED LEGISLATIVE DIGEST**  
(1/25/2016, Amended in Committee)

[Planning Code - Affordable Housing Review Process]

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

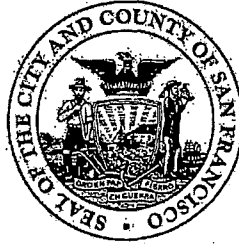
Existing Law

The Planning Code requires development projects to apply for certain kinds of permits, depending on the requirements of the particular zoning district where the project is located. There is no exception from the Planning Code requirements for affordable housing projects.

Amendments to Current Law

The amendments would allow projects where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, to be considered a principally permitted use and would not require conditional use authorization or other review by the Planning Commission, provided that the site is not designated as public open space, under the jurisdiction of the San Francisco Recreation and Park Department, located in a zoning district where residential uses are prohibited or in an RH zoning district. If the affordable housing project proposes demolition or a change of use of a general grocery store or a movie theatre, it may not use the administrative review procedures set forth in the ordinance. If a conditional use authorization or other Planning Commission approval is required for provision of parking, where the amount of parking provided exceeds the base amount permitted as accessory in Planning Code Article 1.5, such requirement continues to apply. If a non-residential use contained in a proposed project would require conditional use authorization or other review by the Planning Commission, such requirement would apply unless the non-residential use is accessory to and supportive of the affordable housing on-site. The ordinance does not change the process for discretionary review.

BOARD of SUPERVISORS



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

November 25, 2015

File No. 150914-3

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

Dear Ms. Jones:

On November 17, 2015, Supervisor Wiener introduced the following **substitute** legislation:

**File No. 150914-3**

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH (Residential, House) zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not considered a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2016.01.22 10:20:25 -0800



# SAN FRANCISCO PLANNING DEPARTMENT

---

December 9, 2015

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Number 2015-012718PCA  
Eliminating CUs for 100% Affordable Housing [Board File No. 150914]  
Planning Commission Recommendation: Disapproval

Dear Ms. Calvillo and Supervisor Wiener:

On December 3, 2015 the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance that would amend Planning Code Sections 303, 309 and 329 introduced by Supervisor Wiener. At the hearing the Planning Commission entertained two motions which both failed to pass.

After closing public comment, a motion to continue the proposed ordinance to January 21, 2016 failed on a 3 to 3 vote (Antonini, Hillis, Fong against, Johnson absent). A second motion to adopt a recommendation for approval as amended by staff, including the removal of grocery stores and theaters from the legislation, and consideration to ground floor commercial uses also failed on a 3 to 3 vote (Moore, Richards, Wu against, Johnson absent). Per Planning Code Section 302(c), given that the Commission was unable to pass a motion the Ordinance is being forwarded to the Board of Supervisors with a recommendation of *disapproval*.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) (2) and 15378 because they do not result in a physical change in the environment.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr".

Aaron D. Starr  
Manager of Legislative Affairs

**Transmittal Materials**

**CASE NO. 2015-012718PCA  
Eliminating CUs for 100% Affordable Housing**

cc:

Andres Power, Aide to Supervisor Wiener

Kate Stacey, Deputy City Attorney

Alisa Somera, Assistant, Clerk, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Draft Resolution No. 19522 HEARING DATE DECEMBER 3, 2015

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

Reception:  
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*Project Name:* Eliminating CUs for 100% Affordable Housing Projects  
*Case Number:* 2015-012718PCA [Board File No. 150914]  
*Initiated by:* Supervisors Wiener  
Introduced September 22, 2015  
*Staff Contact:* Menaka Mohan, Legislative Affairs  
[menaka.mohan@sfgov.org](mailto:menaka.mohan@sfgov.org), 415-575-9141  
*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org), 415-558-6362  
*Recommendation:* Recommend Disapproval

**RECOMMENDING THAT THE BOARD OF SUPERVISORS DISAPPROVE A PROPOSED ORDINANCE WOULD AMEND THE PLANNING CODE TO PERMIT AFFORDABLE HOUSING AS A PRINCIPAL USE AND NOT REQUIRING A CONDITIONAL USE PERMIT, SECTION 309 REVIEW OR LARGE PROJECT AUTHORIZATION FOR AFFORDABLE HOUSING, EXCEPT WHERE RESIDENTIAL USES ARE PROHIBITED BY THE ZONING, LOCATED IN RH ZONING DISTRICTS OR ON DESIGNATED PUBLIC OPEN SPACE OR PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARKS DEPARTMENT; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; PLANNING CODE SECTION 302 FINDINGS; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.**

WHEREAS, on September 23, 2015, Supervisor Wiener introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 15-0914, which would amend the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Parks Department;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 3, 2015; and,

WHEREAS, The Planning Commission proposed two motions, the first motion proposed to continue the item to January 21, 2016 which failed on a three to three vote;

Whereas, The Planning Commission proseed a second motion to adopt a recommendation for approval as amended by Planning staff, including the removal of grocery stores and theaters from the legislation, and consideration to ground floor commercial uses which also failed on a three to three vote;

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; 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 disapprove 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 Planning Commission proposed two motions both which failed to pass. The first motion proposed a continuance of the item to January 21, 2016 failed on a three to three vote (Antonini, Hillis, Fong against, Johnson Absent )
2. The second motion proposed by the Planning Commission recommended approval as amended by Staff including the removal of grocery stores and theaters from the legislation, and consideration to ground floor commercial uses which also failed on a three to three vote (Moore, Richards, Wu against, Johnson absent).
3. Pursuant to Section 6(b) of the San Francisco Planning Commission Rules and Regulations "A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted."
4. Pursuant to Planning Code Section 302(c) (1) which states, "A proposed amendment to the Planning Code or part that had been introduced by a member of the Board of Supervisors to change the text of the Code or the Zoning Map shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board by a majority vote."

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 3, 2015.

Jonas P. Ionin  
Commission Secretary

Motion 1: Continue Item to January 2, 2016

AYES: Wu, Moore, Richards

NOES: Fong, Antonini, Hillis

ABSENT: Johnson

Motion 2: Adopt a recommendation for approval as amended by staff, including the removal of grocery stores and theaters from the legislation, and consideration to ground floor commercial uses

AYES: Antonini, Hillis, Fong

NOES: Moore, Richards, Wu

ABSENT: Johnson

Therefore ordinance fails to pass and the Planning Commission hereby recommends that the Board of Supervisors **disapprove** the proposed ordinance.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment

HEARING DATE: DECEMBER 3, 2015  
90-DAY DEADLINE: FEBRUARY 15, 2016

*Project Name:* Eliminating CUs for 100% Affordable Housing Project  
*Case Number:* 2015-012718PCA [Board File No. 150914]  
*Initiated by:* Supervisor Wiener / Introduced September 15, 2015  
*Staff Contact:* Menaka Mohan, Legislative Affairs  
menaka.mohan@sfgov.org, 415-575-9141  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* **Recommend Approval with Modifications**

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### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to eliminate conditional use requirements, Section 309, and Section 329 review for any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," in all zoning districts, except in RH (Residential, House) zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Park Department.

#### The Way It Is Now:

- (1) The Planning Code has various Conditional Use (CU) requirements that can apply to the construction of housing. Some of these CU requirements include:
  - **Large Lot Developments:** Most Neighborhood Commercial districts and RTO (Residential Transit Oriented) districts require a CU authorization for any development where the lot is over 10,000 sq. ft.
  - **Lot Frontage:** RTO districts require a CU authorization for lot mergers greater than 5,000 sq. ft. and some NCT, NC and Mixed Use districts require CU authorization for lot frontages above a certain length (length ranges between 50 and 150 feet)
  - **Height:** CU authorization is required for buildings taller than 40 feet in RH (Residential, House) Districts and 50 feet in RM (Residential-Mixed) and RC (Residential-Commercial) Districts. Dwellings are not permitted to be taller than 35 feet in RH-1 Districts and 40 feet in RH-2 Districts.
  - **Minimum Dwelling Unit Mix:** In some district where there are no density controls for housing, the Planning Code requires a certain percentage of two and three bedroom units. These percentages can be modified with CU authorization.
  - **Bulk Limits:** Bulk limits can be adjusted with CU authorization for a distinctly better design or a building or structure with widespread public service benefits and significance to the community at large.
  - **Change in Use or Demolition of a Movie Theater:** CU authorization is required to change a movie theater use to another use or to demolition a movie theater.

- **Change in Use or Demolition of General Grocery Store Uses:** CU authorization is required to change a grocery store to another use or to demolish a grocery store.
- **Density:** In certain Districts, such as RH-2 and RH-3, CU authorization is required for additional density.
- **Parking:** Parking exceeding principally permitted amounts typically requires CU authorization.

**Planned Unit Development (PUD).** Through a PUD, projects can increase density up one unit less than what would be permitted in the next more permissive zoning district, which requires CU authorization. PUDs are also allowed to modify certain Planning Code requirements, such as rear yard, exposure, open space usability standards, and how height is measured. PUDs also allow limited commercial uses in R Districts.

(2) **Section 309 Review.** In C3 Districts, projects that will result in a net addition of more than 50,000 square feet of gross floor area of space or that will result in a building that is greater than 75 feet in height are required to go to the Planning Commission for Section 309 review. Section 309 review allows for the following code exceptions:

1. Exceptions to the setback, streetwall, tower separation, and rear yard requirements as permitted in Sections 132.1 and 134(d);
2. Exceptions to the ground-level wind current requirements as permitted in Section 148;
3. Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146;
4. Exceptions to the limitation on curb cuts for parking access as permitted in Section 155(r);
5. Exceptions to the limitations on above-grade residential accessory parking as permitted in Section 155(s);
6. (Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(i);
7. Exceptions to the off-street tour bus loading space requirements as permitted in Section 162;
8. Exceptions to the use requirements in the C-3-O(SD) Commercial Special Use Subdistrict in Section 248;
9. Exceptions to the height limits for buildings taller than 550 feet in height in the S-2 Bulk District for allowance of non-occupied architectural, screening, and rooftop elements that meet the criteria of Section 260(b)(1)(M);
10. Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.9;
11. Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.8 and in the 200-400S Height and Bulk District as permitted in Section 263.10;
12. Exceptions to the bulk requirements as permitted in Sections 270 and 272.

Section 309 review also has several design requirements and limitations such to meet the objectives and policies of the General Plan and include the following:

1. Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops;
  2. Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and maintenance of predominant streetwalls in the immediate vicinity;
  3. Aspects of the project affecting parking, traffic circulation and transit operation and loading points;
  4. Aspects of the project affecting its energy consumption;
  5. Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features;
  6. Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture as required by Section 138.1;
  7. Aspects of the project relating to quality of the living environment of residential units, including housing unit size and the provisions of open space for residents;
  8. Aspects of the design of the project which have significant adverse environmental consequences;
  9. Aspects of the project that affect its compliance with the provisions of Sections 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in conservation districts;
  10. Other aspects of the project for which modifications are justified because of its unique or unusual location, environment, topography or other circumstances.
- (3) **Section 329 Review.** Large projects proposed in the Eastern Neighborhoods Mixed Use Districts require Large Project Authorization, per Planning Code Section 329. Large project review is triggered when the project includes the construction of a new building greater than 75 feet in height, or includes a vertical addition to an existing building with a height of 75 feet or less resulting in a total building height greater than 75 feet; or the project involves a net addition or new construction of more than 25,000 gross square feet. Section 329 is primarily a design review so that the Commission can review and evaluate all physical aspects of a proposed project at a public hearing. Section 329 review allows for the following code exceptions:
1. Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;
  2. Exception from residential usable open space requirements. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).
  3. Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).
  4. Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.
  5. Exception to height limits for vertical non-habitable architectural elements described in Section 263.21 and pursuant to the criteria therein;

6. Provision of the required minimum dwelling unit mix, as set forth in Section 207.6, pursuant to the criteria of Section 305(c);
7. Exception for rear yards, pursuant to the requirements of Section 134(f);
8. The number of Designated Office Stories for projects which are subject to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project site, so long as:
  - a. an increase in the number of Designated Office Stories would result in a total square footage of office space no greater than that which would otherwise be permitted by the project.
  - b. office uses are consolidated within a lesser number of buildings than would otherwise be the case, and
  - c. the resulting location and mix of uses increases the project's consistency with nearby land uses;
9. Relief from dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts under Article 10 of this Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met:
  - i. literal enforcement of Section 140 would result in the material impairment of the historic resource; and
  - ii. the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001 )) and/or Section 1006 and any related Article 10 appendices of this Code.
10. Modification of the accessory use provisions of Section 803.3(b)(1)(c) for dwelling units. Dwelling units modified under this Subsection shall continue to be considered dwelling units for the purposes of this Code and shall be subject to all such applicable controls and fees. Additionally, any building which receives a modification pursuant to this Subsection shall (i) have appropriately designed street frontages to accommodate both residential and modified accessory uses and (ii) obtain comment on the proposed modification from other relevant agencies prior to the Planning Commission hearing, including the Fire Department and Department of Building Inspection. Modifications are subject to the following:
  - i. A modification may only be granted for the ground floor portion of dwelling units that front on a street with a width equal to or greater than 40 feet.
  - ii. The accessory use may only include those uses permitted as of right at the subject property. However, uses permitted in any unit obtaining an accessory use modification may be further limited by the Planning Commission.
  - iii. The Planning Commission may grant exceptions to the size of the accessory use, type and number of employees, and signage restrictions of the applicable accessory use controls.
11. Where not specified elsewhere in this Subsection (d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located.

Section 29 review also has several design requirements and limitations such to meet the objectives and policies of the General Plan and include the following:

1. Overall building massing and scale;
2. Architectural treatments, facade design and building materials;
3. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;
4. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;
5. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;
6. Streetscape and other public improvements, including tree planting, street furniture, and lighting;
7. Circulation, including streets, alleys and mid-block pedestrian pathways;
8. Bulk limits;
9. Other changes necessary to bring a project into conformance with any relevant design guidelines. Area Plan or Element of the General Plan.

#### The Way It Would Be:

1. Any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income" would be exempt from any CU requirement related to the housing.
2. Projects as defined above would not be required to go through Section 309 review.
3. Projects as defined above would not be required to go through Section 329 review.

## ISSUES AND CONSIDERATIONS

### Affordable Housing Bonus Program

As part of the Mayor's Housing Work Group, the Department has been working on the Affordable Housing Bonus Program, which will provide 30% affordable housing for low, moderate, and middle income households and has presented the program to this Commission in detail on November 5, 2015. The proposed Affordable Housing Bonus Program is an optional program for market rate and publicly funded affordable housing projects<sup>1</sup>. Generally the program requires that projects provide greater

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<sup>1</sup>To learn more about the Affordable Housing Bonus Program visit <http://www.sf-planning.org/AHBP>



benefits to the City in the form of more affordable housing. Projects that choose to provide higher levels of affordable housing will be awarded commensurate development incentives in the form of increased density, heights, and limited reductions in other zoning requirements. The analysis completed by the architect consultant studies demonstrates that development incentives offered through these programs can result in high quality buildings that will add to San Francisco's urban fabric and housing supply. The AHBP Design Guidelines ensure that the projects will be well designed. While the financial considerations may vary for a given parcel, the analysis conducted by Seifel Consulting demonstrates that the AHBP programs are feasible and maximizes the re-capture of value conferred to development sites in the form of additional affordable housing.

**The Affordable Housing Bonus and 100% Affordable Housing Projects**

The draft Affordable Housing Bonus legislation (BF 150969) includes a section for 100% Affordable Housing Projects. Projects that meet the definition of 100% Affordable Housing would be entitled to the zoning modifications listed below if they are:

- On lots that allow residential uses and permit at least three residential dwelling units; and
- Demonstrate to the satisfaction of the Environmental Review Officer that the project does not :
  - Cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5;
  - Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas; and
  - Alter wind in a manner that substantially affects public areas.

**Proposed Zoning Modifications for 100% Affordable Housing Projects:**

|                         |                        |   |
|-------------------------|------------------------|---|
| <b>100 Percent AHBP</b> | Rear Yard              | No less than 20% of the lot depth, or 15 feet whichever is greater  |
|                         | Dwelling Unit Exposure | Can be satisfied through qualifying windows facing an unobstructed open area that is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in every horizontal dimension at each subsequent floor. |
|                         | Off-Street Loading     | None required   |
|                         | Parking                | Up to a 100% reduction in residential and commercial requirements   |
|                         | Open Space             | Up to a 10% reduction in common open space if provided per Section 135 or any applicable special use district.  |

Additionally these projects would be entitled to three additional residential stories and form based density controls.

**Proposed Entitlement Process for the Affordable Housing Bonus Program (AHBP)**

The proposed AHBP also includes a specific entitlement process for projects that include 30% affordable housing or more – which is included in Section 328 of the draft Planning Code Ordinance<sup>2</sup>. This process was modeled after the existing Large Project Authorization (LPA Section 329) of the Planning Code. It generally consolidates all of a project's entitlements into a single case. Additionally, the LPA process includes exceptions to the planning code that are focused on the overall design of the building. The exceptions allow staff and the Commission the flexibility of modifying physical aspects of a building such as, but not limited to exposure, parking, loading, open space, and setbacks.

Section 328 would require a Planning Commission hearing for all projects entitled under the Local AHBP or 100% Affordable AHBP. The appeal process for the proposed 328 entitlement process is heard through the Board of Appeals. In Section 309 and Section 329 review the appeals process is also heard through the Board of Appeals. The entitlement process and proposed zoning modifications outlined in the Section 328 were developed in consultation with the Council of Community Housing Organizations (CCHO) and the Mayor's Office of Community Development and Housing (MOHCD).

## 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.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Draft a separate Code section specific to the approval process for 100% Affordable Housing Projects. This code section would:
  - a. Eliminate all CUs for 100% Affordable Housing except CUs for additional parking and those that are voter mandated (Formula Retail CUs).
  - b. Allow the same modifications permitted in Section 309 and Section 329, except for increased parking exceptions.
  - c. Allow the modifications permitted in Section 304 for Planned Unit Developments
  - d. Allow projects to be approved administratively by the Director of Planning

## BASIS FOR RECOMMENDATION

The Department supports the overall goal to reduce the burden of approval for 100% Affordable projects. The City has clear goals in the Housing Element, the Mayor's Housing Working Group and Proposition K to produce affordable housing as quickly as possible. Currently projects with 20% of affordable housing or more receive priority processing in several City Departments, including the Planning Department. Priority processing, however, does not mean that a 100% Affordable Housing Project would not need a

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<sup>2</sup> The draft Affordable Housing Bonus Legislation can be found here:  
<https://sfgov.legistar.com/LegislationDetail.aspx?ID=2474234&GUID=C3463948-D066-4AA3-B27B-8887AE979436&Options=ID|Text|&Search=affordable+housing+bonus>

Planning Commission hearing. Eliminating a Planning Commission hearing could save these projects as much as three to six months of review time which translates into these affordable units coming online at a slightly faster rate than current regulations.

Note that the definition of 100% Affordable is varied throughout the current Code. The definition used by the draft Affordable Housing Bonus Program relies on Code section 406 (b) which defines affordable housing as the following:

- (1) Is affordable to a household at or below 80% of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;
- (2) Is subsidized by MOHCD, the San Francisco Housing Authority, and/or the San Francisco Redevelopment Agency; and
- (3) Is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

The recently passed Transportation Sustainability Fee (TSF) also relies on definition 406 (b) for Affordable Projects, however, residential uses with projects where all residential units are affordable to households at or below 150 % AMI shall not be subject to the TSF.

Proposition C established the Housing Trust Fund which supports creating, acquiring and rehabilitating affordable housing and promoting affordable home ownership programs in the City. The City through the Mayor's Office of Housing and Community Development (MOHCD) can distribute funding for the creation, acquisition, and rehabilitations of rental and homeownership for Households earning up to 120% of AMI. The City's loan programs under this fund are also targeted to households earning 120% pf the AMI.

The proposed ordinance defines Affordable Housing as any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income" as defined in California Code Section 50093. This code section defines low and moderate as the following:

*"persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937."*

This definition is consistent with the goals of the Mayor's Housing Working Group, the Housing Trust Fund, and the recently passes Housing Bond measure which establishes a middle income rental and ownership program.

#### **Recommendation 1: Draft a separate Code section for the entitlement of 100% Affordable Housing Projects**

The proposed legislation exempts 100% Affordable Housing projects from CU, 309 and 329 review but does not provide a clear administrative path for these projects to take advantage of the modifications afforded by these processes. These waivers may be helpful or desired to ensure better design of the building or an increase in the number of units. To address this, staff recommended drafting a separate Code section for the entitlement of 100% Affordable Housing projects.

This code section would include the following:

1. The modifications in a PUD, 309, or 329 would be available to projects that trigger these respective code sections. If a project under this new Code section triggers Section 329 review it would be entitled to the modifications referenced in Section 329 but would not be entitled to modifications available in Section 309.
2. The elimination of CUs, except where they are voter mandated or are a CU for increased parking;
3. No Commission Hearing, subject to approval by the Director of Planning.

This Code section would pertain to the entitlement of the 100% Affordable Housing as defined in the ordinance. Projects that are 100% Affordable Housing and Code conforming that would trigger a PUD, a LPA, or Section 309 review due to the size of the project would be able to be reviewed administratively under this new Code section. For example, if a 100% Affordable Housing Project wanted to take advantage of the increased density offered under the PUD process, the project would be able to and would not be subject to a CU hearing. If a project under this code section triggers Section 329 review it would be entitled to the modifications referenced in Section 329 but would not be entitled to modifications available in Section 309. Note all of the modifications and design review considerations are listed on pages three through five of this report.

These projects would still be subject to Neighborhood Notification (Planning Code Section 311/312) as this Code section is tied to the building permit. As such, these projects would still be subject to Discretionary Review for any member of the public that asks the Commission to exercise its Discretionary Review powers. Furthermore, all newly constructed 100% Affordable Projects would trigger a Pre-Application meeting prior to submittal to the Planning Department. Pre Application meetings are required when projects trigger Planning Code Section 311 or 312.

The Director of Planning would be responsible for review of key issues related to the design of the project, and projects that qualify for Section 309 and Section 329 review are still subject to the design considerations in those respective code sections. In Section 329, the Director of Planning be giving the authority for final design review. For all projects defined as 100% Affordable, the Director of Planning would be authorized to approve the project on behalf of the City.

## **ENVIRONMENTAL REVIEW**

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

## **PUBLIC COMMENT**

The San Francisco Council of Community Housing Organizations informed the Department that their organization and members were not involved in the drafting of this ordinance.

|                        |   |
|------------------------|---|
| <b>RECOMMENDATION:</b> | <b>Recommendation of Approval with Modification</b> |
|------------------------|---|

### **Attachments:**

- Exhibit A: Draft Planning Commission Resolution  
Exhibit B: Board of Supervisors File No. 150914



January 25, 2016

Re: Planning Code -- Affordable Housing as Principal Use (150914).

Dear Supervisors,

Mercy Housing supports legislation introduced by Supervisor Wiener to amend the Planning Code to allow affordable housing projects to be approved as a principle use without a Conditional Use hearing in cases where a hearing is only required based on the size of the development. Affordable housing is by definition a community benefit that meets the basic criteria of a conditional use that the use be needed and desirable.

Mercy Housing takes its responsibility to do community outreach seriously and has a strong record of community support at the Commission hearings of its proposed developments. However, the timing of commission hearings can conflict with the funding cycles of NOFA's on which our projects' financing is dependent. Many funding programs, such as the state's Housing and Community Development's Affordable Housing and Sustainable Communities program, offer NOFA's that require planning approvals as a threshold for funding but NOFA's are issued on annual basis only. To miss the NOFA can delay a project for an entire year or mean missing out on millions of dollars of state funding. Losing out on state funding translates to a bigger burden to be funded by the limited funds of the Mayor's Office of Housing and Community Development.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Shoemaker".

Doug Shoemaker  
President, Mercy Housing California

**Mercy Housing California**

1360 Mission Street, Suite 300, San Francisco, California 94103  
2512 River Plaza Drive, Suite 200, Sacramento, California 95833  
1500 S. Grand Avenue, Suite 100, Los Angeles, California 90015

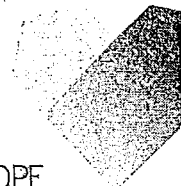
o | 415-355-7100 f | 415-355-7101  
o | 916-414-4400 f | 916-414-4490  
o | 213-743-5820 f | 213-743-5828

[mercyhousing.org](http://mercyhousing.org)

Mercy Housing is sponsored by communities of Catholic Sisters.

1289

LIVE IN HOPE





BUILDING SUSTAINING LEADING

BRIDGE HOUSING  
CORPORATION

BRIDGE PROPERTY  
MANAGEMENT COMPANY

BAY AREA SENIOR SERVICES, INC

BRIDGE ECONOMIC  
DEVELOPMENT CORPORATION

November 24, 2015

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Fong and fellow Commissioners:

BRIDGE Housing Corporation is a 32 year old nonprofit developer and owner of affordable housing, born and headquartered here in San Francisco. As a long-standing member of the housing community on the front lines of our city's struggles to increase housing opportunities, we are strongly in favor of, and excited by, the proposed Affordable Housing Bonus Program the Commission is currently considering. This proposal is exactly the kind of creative approach that can make a real dent in this vexing problem without requiring new outlays of funding, and can be implemented and pay dividends quickly.

We agree with the proponents that this measure will provide an array of benefits, in including:

- A substantial increase the number of on-site affordable units;
- Helping make underutilized sites more feasible for development;
- Allowing one hundred percent affordable housing projects to deliver more units;
- Allowing income diverse housing to 'pencil out' in parts of the city that have not seen much addition of new housing; and
- Increasing the availability of middle-income housing, which as you know, has no dedicated funding stream, and is therefore very difficult to produce.

The proposal was crafted with input from a variety of stakeholders and we think properly balances public benefit to be received with the additional development capacity granted. The measure would also bring San Francisco in to compliance with long-standing State law on this matter, but is crafted in a way that exceeds State minimums and makes the program work even better in our City. All of these features make this proposal one of the best-crafted and most promising legislative proposals we have seen.


600 CALIFORNIA STREET, SUITE 900 SAN FRANCISCO, CA 94108 2706 TEL 415 989 1111 FAX 415 495 4898 BRIDGEHOUSING.COM  
2202 30TH STREET SAN DIEGO, CA 92104 5427 TEL 619 231 6300 FAX 619 231 6301  
20321 IRVINE AVENUE, SUITE F 1, NEWPORT BEACH, CA 92660 TEL 949 229 7070 FAX 949 274.7688  
925 NW 19TH AVENUE, STUDIO B, PORTLAND OR 97209 TEL 503 360 1828 FAX 503 961 8897  
BRIDGE HOUSING IS A NOT FOR-PROFIT PUBLIC BENEFIT CORPORATION



The voters spoke loud and clear earlier this month with an unprecedented level of support for Proposition A, which will fund large numbers of new affordable homes throughout the city. The proposed Affordable Housing Bonus Program will be very helpful in allowing BRIDGE and other nonprofits to stretch those precious bond funds further and provide more units more quickly to meet more of our city's dire housing needs.

BRIDGE urges your support for the Affordable Housing Bonus Program and if passed we would be excited to join with other developers in using this tool to make a real impact in San Francisco's housing shortage.

Sincerely,



Cynthia Parker  
President and CEO

c: John Rahaim, Planning Director  
Jonas P. Ionin, Commission Secretary  
Olson Lee, Director, Mayor's Office of Housing and Community Development

## Mohan, Menaka (CPC)

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**From:** Rahaim, John (CPC)  
**Sent:** Wednesday, November 25, 2015 4:57 PM  
**To:** Mohan, Menaka (CPC)  
**Subject:** FW: I Want More Certainty for Affordable Housing

-----Original Message-----

**From:** Pat Scott [<mailto:pscott@btwsc.org>]  
**Sent:** Wednesday, November 25, 2015 9:41 AM  
**To:** [planning@rodnevfong.com](mailto:planning@rodnevfong.com); [cwu.planning@gmail.com](mailto:cwu.planning@gmail.com); [wordweaver21@aol.com](mailto:wordweaver21@aol.com); [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com); Johnson, Christine (CPC); [mooreurban@aol.com](mailto:mooreurban@aol.com); Richards, Dennis (CPC); [rob@sfhac.org](mailto:rob@sfhac.org); Rahaim, John (CPC); Wiener, Scott  
**Subject:** I Want More Certainty for Affordable Housing

Dear President Fong and fellow Commissioners,

Booker T. Washington Center's development will double the current the size of the center and provide 50 units of low-income housing. Half of these units will be for youth emancipating from foster care with on-site support provided by First Place for Youth.

The new center's mix of programming will provide for transition age youth in ways that promote successful academic achievement, gainful employment and civic engagement. In addition to on-going academic support and professional development, the tech skills center will provide IT and computer training.

San Francisco bureau of award-winning Youth Radio will provide creative opportunities in media and broadcasting. The childcare center will provide early childhood education for youth with children. Our wellness center will be a nurturing environment to prioritize mental and physical health.

With a fully integrated community center including supportive housing and wrap around services, transition age foster youth will avoid the pitfalls of homelessness and incarceration that disproportionately impact them and achieve the educational and professional goals of their peers in the general population.

You'd think SF would support such a project?

The experience of trying to build this project with affordable housing in SF was a ten-year battle from unpleasant public hearings, garnering support from various aspects of the near and far community, to a long drawn out court case. Under the guise of 'the project is too big' and 'there is no parking', Steve Williams represented the neighbors (from the Western Addition - according to them Baja Pacific Heights), some of whom came to meetings clearly objecting to the clientele that would be served. By the time the project began construction, it was millions of dollars over budget - mostly because costs had increased during this lengthy process. We managed but not without financial support from the Mayor's Office on Housing, the John Burton Foundation and many foundations and individuals.

CC:  
John Rahaim, SF Planning  
Supervisor Scott Wiener

--  
Pat Scott  
[pscott@btwsc.org](mailto:pscott@btwsc.org)  
94115



## Somera, Alisa (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, January 26, 2016 9:02 AM  
**Subject:** FW: (File #150914) Vote down the Affordable Housing Bonus Program

**From:** Peter Nasatir [mailto:merko@att.net]  
**Sent:** Monday, January 25, 2016 2:41 PM  
**To:** BreedStaff, (BOS) <breedstaff@sfgov.org>  
**Cc:** Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Secretary, Commissions (CPC) <commissions.secretary@sfgov.org>; matierandross@sfchronicle.com; Howard Wong <wongaia@aol.com>; Wiedmaier <bradley\_wiedmaier@yahoo.com>; Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; tesw@aol.com  
**Subject:** Vote down the Affordable Housing Bonus Program

Dear Supervisor Breed,

I am a voter living in D5, and I am very concerned about the Affordable Housing Bonus Program (AHBP). I am a middle class, middle aged man, who lives in a rent-controlled apartment, and this proposal scares me. The fragile membrane between shelter and homelessness for middle class people in San Francisco gets thinner everyday.

I urge you as someone who has known challenge, as a representative, as president of the board of supervisors, and as a neighbor, to vote down this plan.

All Renting San Franciscans are watching this, many of whom live in D5. Please do the right thing, advocate to your colleagues and vote no on the Affordable Housing Bonus Program.

Seriously, we can do better.

Sincerely,

Peter Nasatir

**Somera, Alisa (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, January 26, 2016 9:01 AM  
**Subject:** FW: (File #150914) 100% AFFORDABLE HOUSING/MOVING QUICKLY

**From:** Vivian Araullo [mailto:vivian@westbaycentersf.org]  
**Sent:** Monday, January 25, 2016 3:07 PM  
**To:** Wiener, Scott <scott.wiener@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** 100% AFFORDABLE HOUSING/MOVING QUICKLY

**Moving Quickly on the Housing Affordability Crisis**

Dear Land Use Committee Members,

I am the executive director at West Bay Pilipino, that represents low- to extremely low-income Filipino immigrants.

We are in support of Sup. Scott Wiener's proposal to fast track the approval of projects where 100% of the units are affordable (zero-120% AMI) to low or moderate income residents, as this proposal may be of benefit to the demographic we serve.

For as long as the community's voice is intact in: 1) design review, 2) neighborhood notification, and 3) disputing a project, the measure is just plain common sense during this time of crisis.

Should this proposal have to go to the ballot, there is a great likelihood that voters will approve it.

Vivian Zalvidea Araullo  
Executive Director  
West Bay Pilipino Multi-Service Center  
175 Seventh Street  
San Francisco, CA 94103  
Office Phone (415) 431-6266  
Cell Phone (650) 219-9293  
<http://westbaycenter.org/>

*"How comfortable we are and yet there is so much suffering in the world."*

*~ Dalai Lama*



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## Somera, Alisa (BOS)

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**From:** Board of Supervisors, (BOS)  
**Int:** Tuesday, January 26, 2016 9:08 AM  
**Subject:** FW: (File #150914) Duncan Newburg Assoc letter on AHBP  
**Attachments:** DNA AHBP 0125 2015.pdf

**From:** Wumoffly@aol.com [mailto:Wumoffly@aol.com]  
**Sent:** Monday, January 25, 2016 11:41 PM  
**To:** Wiener, Scott <scott.wiener@sfgov.org>; Power, Andres <andres.power@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** deannamooney@sbcglobal.net; diane@dmccarney.com  
**Subject:** Duncan Newburg Assoc letter on AHBP

Dear Scott,

The attached letter (6 pages) is respectfully addressed and forwarded to the Planning Commissioners and to you our representative in city government on the concerns of the Duncan Newburg Association of home owners and residents and 31 signatories regarding the Affordable Housing Bonus Plan (AHBP) currently under review.

While we in San Francisco all support the need for more affordable housing and share your sense of urgency to fast-track projects, this AHBP plan is conferring eligibility for extra floors and density to the already densest and bulkiest lots on the Duncan St.-Castro-St.-Newburg St. hill top which is far away from the commercial and main traffic arteries of Noe Valley. The Planning Dept. program manager has assured us that such lots are not their "intended" targets for added density, and that further developing or redeveloping these lots are not today economically viable. However, future circumstances may well change intentions and economics, and as long as such RH-3 and RM lots have the eligible designation, the added density and height developments on the Duncan-Castro hilltop are possible.

The attached letter outlines our concern that should such development ever occur in the future, it would contradict basic Planning Dept general principles of open space protection and hilltop contouring, and compromise the safety of this hilltop which is comprised of a series of cul-de-sacs. We ideally wish that the AHBP plan be more thoughtfully applied only to the specific "intended" lots which the Planning program managers have in mind, and do not leave open or create future potential issues with the currently blanket application of eligibility city-wide of RH3 and RM zoned lots. Please find details in the attached letter.

We hope you will seriously consider our concerns and requests on AHBP regarding its impact to our corner of your district. And hopefully this letter won't discourage you from attending our annual party this Sunday as we always value the chance to discuss directly our District 8 thoughts!

Thank you, and Sincerely,  
Deanna Mooney  
Diane McCarney  
Lily Wu  
Duncan Newburg Association

20 January 2016

To: **Planning Commissioners, Supervisor Scott Wiener**

Re: **Affordable Housing Bonus Plan (AHBP) Eligibility on the Duncan Castro Hilltop**

We understand that lots zoned higher density housing (RH-3 and RM) have been labeled “eligible” city-wide to build up to 2 floors higher than their permitted height/bulk limit if 30% of the development are made affordable. This city-wide application has led to approximately 50% of the Duncan-Castro hilltop to be labeled eligible for AHBP.

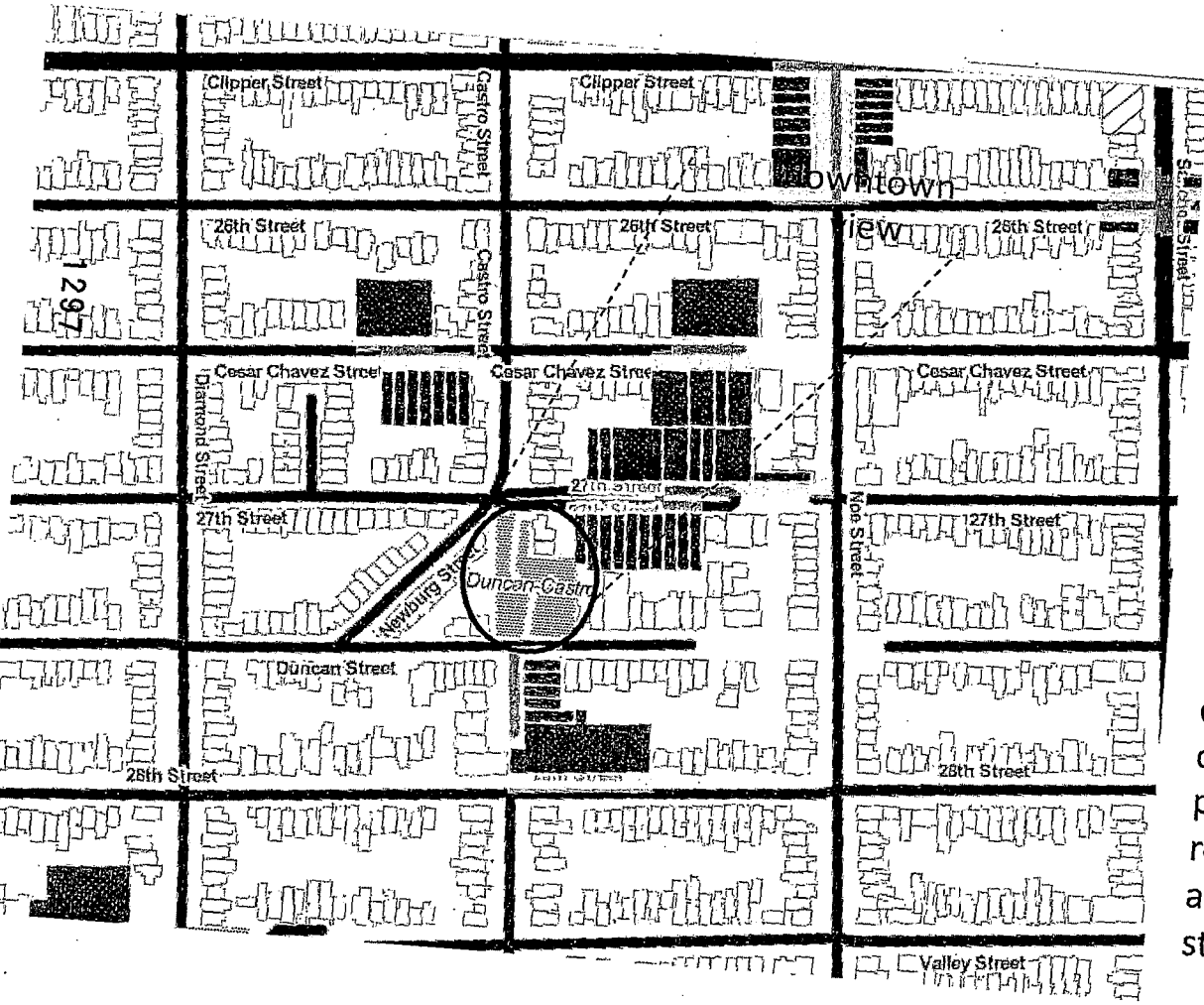
We also understand from Planning Dept.’s AHBP Program Manager that “in practice”, only 1-2 lots in all of District 8 are being considered for AHBP due to other considerations, such as economic infeasibility of demolition of existing structures, historic preservation, protection of existing protected class and rent-controlled tenants.

While this may be the case “in practice” now, economic circumstances change, political priorities change, and Planning personnel and trends change, such that what is infeasible or inconsiderable today can well become feasible or passable in some future time. We believe the fundamental topography, location and existing structures on the Duncan Castro hilltop provide compelling justification to permanently make this hilltop ineligible for any programs to increase density or heights beyond the current permitted levels. We respectfully ask that the Planning Commission and our Supervisor will consider the following points:

96296

1. Permanent Protection of Duncan-Castro Open Space Views

The eligible lots (in blue) on 27<sup>th</sup> Street are already maximized in height and bulk and are multi-unit apartments. If they were ever to be re-developed or renovated higher, they would directly block the city skyline views from the Duncan-Castro Open Space park. Protection of open space views is a fundamental tenet of SF's General Plan.



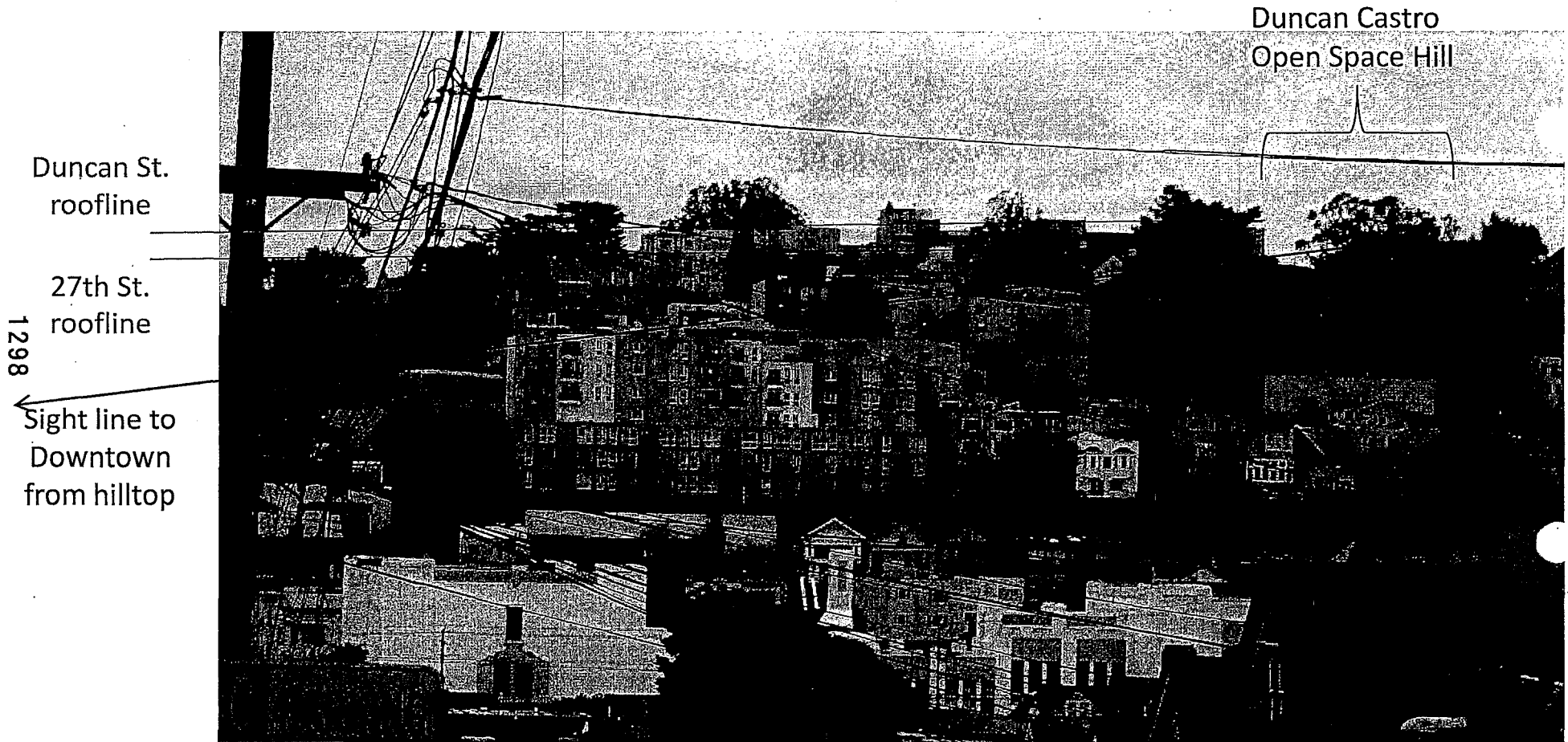
**“San Francisco General Plan**  
Policy 1.1: Protect Major Views in the City, with Particular Attention to those of Open Space

Overlooks and other viewpoints for appreciation of the city and its environs should be protected and supplemented, by limitation of buildings and other obstructions where necessary and by establishment of new viewpoints at key locations.

Visibility of open spaces, especially those on hilltops, should be maintained and improved, in order to enhance the overall form of the city, contribute to the distinctiveness of districts and permit easy identification of recreational resources. The landscaping at such locations also provides a pleasant focus for views along streets.”

**“San Francisco General Plan: Principles for City Pattern**

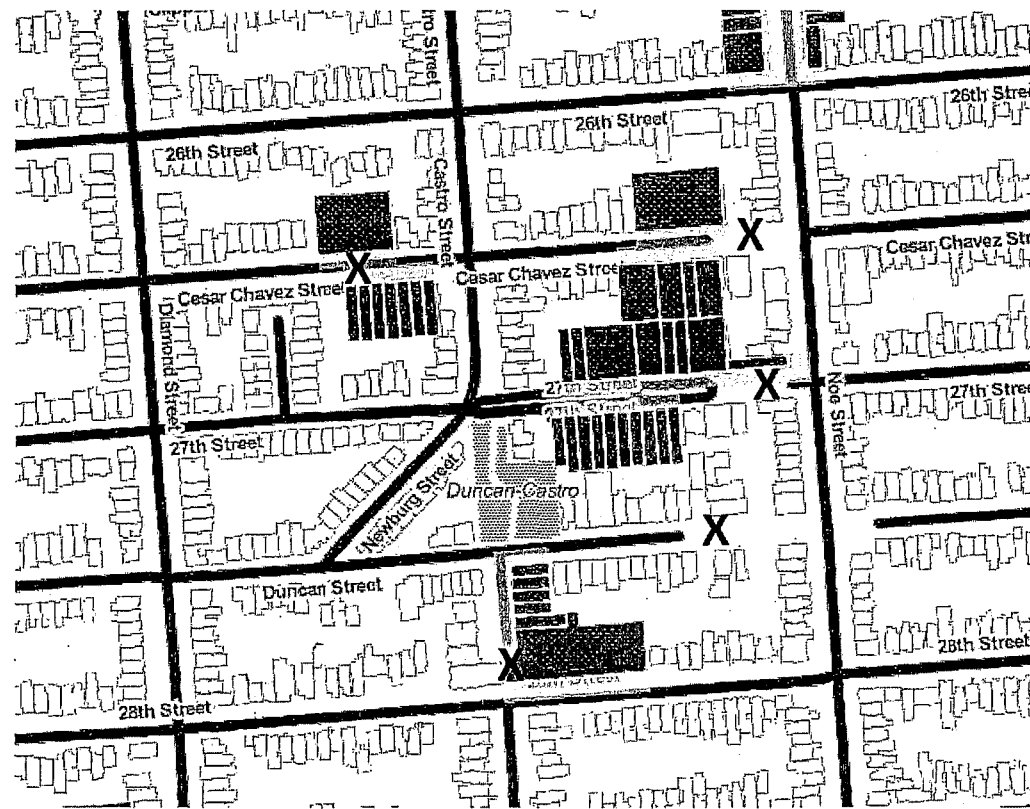
2. Street layouts and building forms which do not emphasize topography reduce the clarity of the city form and image.  
A: Tall, slender buildings at the tops of hills and low buildings on the slopes and in valleys accentuate the form of the hills.  
B: Contour streets on hills align buildings to create a pattern of strong horizontal bands that conflict with the hill form.”



View of Duncan Castro hilltop from the north looking south -- existing structure heights are tiered preserving the hilltop topography. Any height increase on 27<sup>th</sup> St. would “conflict with the hill form”, and block the open space views which are basic General Plan tenets.

## 2. Safety and Traffic Issues

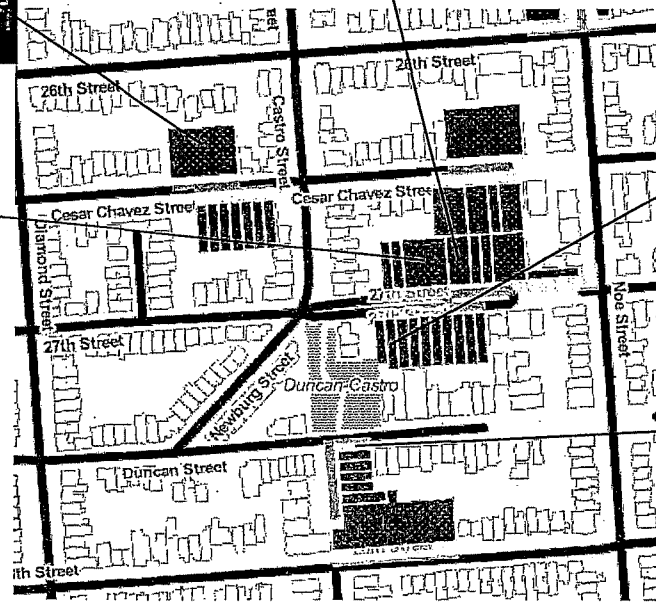
Due to the steepness of the Duncan Castro hilltop topography, this 4-block region is comprised of FIVE cul-de-sacs, all narrow single lane turn-arounds. In fact, the local fire station practices driving up and backing out of our blocks every few months because a fire engine can not turn-around on these stub streets, it can only back out. Already, there are 11 multi-unit complexes (4 units or more) on this hilltop, all of which are AHBP eligible for further height increases. Such increases in density would compromise basic safety.



X Dead-end, no throughway

### 3. Out of Scale Eligibility

It is not obvious on a flat map, but the AHBP eligible lots on the Duncan Castro hilltop are already disproportionately the largest structures on the hilltop, dwarfing their neighbors. While such disparate heights are common on major commercial corridors like Mission, Geary and Market, it is not seen on hilltops like Twin Peaks, Bernal, Goat Hill, etc., and should not be allowed to happen on the Duncan Castro hilltop. Please imagine these 40+ ft high “eligible” buildings below *with 2 additional stories (15-20 feet)*, in the context of their 20-25 ft high neighbors.





While we support measures for increased and affordable housing in San Francisco, a remote and already densely built hilltop far from the Noe Valley commercial and transit corridors of 24<sup>th</sup> St. and Church St. does not make sense. Additional height and bulk along 27<sup>th</sup> St. in fact would directly violate basic tenets of the Planning Dept.'s San Francisco General Plan for open space protection, and cause traffic and safety concerns due to the hilltop topography with steep drop-offs and cul-de-sacs.

We respectfully request that the Commissioners and our Supervisors more thoughtfully consider the general plan design of the city in assigning eligibility for the AHBP, rather than applying one-size-fits-all eligibility city-wide. Even if the intention or financial feasibility for redevelopment on the hilltop does not exist today, as long as there is eligibility, there remains the possibility in the future that some path will be secured at some point for an out-sized project approval. The Duncan Castro Open Space was set aside to preserve and celebrate the unique hilltop topographies and views of San Francisco. If the buildings on the down slope streets of 27<sup>th</sup> and Cesar Chavez increase height, while those on the peak Duncan St. cannot, the hill would be flattened by buildings, and no longer a hill.

30

Sincerely,

Duncan Newburg Association, Deanna Mooney, Director, 560 Duncan St.

Duncan Newburg Association, Diane McCarney, co-Director, 657 Duncan St.

John Moffly & Lily Wu, 590 Duncan St.

Tim & Sally Chew, 542 Duncan St., Unit A

Eric S. Birnbaum, 548 Duncan St., #201

John Hoerni, 548 Duncan St., #101

Amy Blackstone, 1913 Castro St.

Scott & Dawn Hartman, 586 Duncan St.

Steve Adame, 542 Duncan St., Unit B

Pauline Shulman, 657 Duncan St.

Susan Shalit & Mary Logger, 718 Duncan St.

Courtney Broadus & Christian Meyers, 677 Duncan St.

Nicolas & Jackie Wong, 603 Duncan St.

Tim Snarr & Dale Milfay, 553 Duncan St.

Jane & Tom Twaddell, 600 Duncan St.

John & Rita Peck, 601 Duncan St.

Larry Trask, 1508 Diamond St.

Patrick Shanahan, 570 Duncan St.

Michelle Stecklein Call, 1500 Diamond St.

Paul Greenbaum, 575 Duncan St.

Eugenia & Peter Caldwell, 1 Newburg St.



**SPUR**

San Francisco | San Jose | Oakland

January 25, 2015

Land Use and Transportation Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

**RE: Affordable Housing as Principal Use (Case No. 2015-012718PCA)  
File 150914**

Dear Supervisors Cohen, Wiener and Peskin:

Thank you for the opportunity to comment on the proposed ordinance that would eliminate conditional use requirements and Section 309 and Section 329 review for 100% affordable projects.

With the housing crisis today, San Francisco must do all it can to support the faster production of more housing, particularly housing that is restricted to lower and middle incomes. SPUR believes that on top of increased funding, improving the approvals process is one key part of the effort to creating more affordable housing and making it available more quickly and at a lower cost. As a former affordable housing developer myself, I know that this legislation will make an enormous difference in reducing the time and energy required to get through city-required processes. This is something that is actually within the control of the city.

SPUR urges you to recommend the approval of this legislation with Planning's recommended modifications. This legislation is drafted to clearly only benefit affordable housing projects that are 100% restricted to households under 120% of Area Median Income, projects that are built by the city's nonprofit partners and funded by public dollars. This could make a huge difference to the timelines of affordable housing projects, especially given the inflexible calendars of state and federal funding sources, and it does not prevent these projects from engaging in a robust community process on their own timeline.

Please free to contact me at [kwang@spur.org](mailto:kwang@spur.org) or 415-644-4884 if you have any questions. Thank you again for the opportunity to share our support.

Best,



Kristy Wang  
Community Planning Policy Director

cc: Menaka Mohan, SF Planning  
Andres Power  
SPUR Board of Directors

SAN FRANCISCO  
654 Mission Street  
San Francisco, CA 94105  
(415) 781-8726

SAN JOSE  
76 South First Street  
San Jose, CA 95113  
(408) 638-0083

OAKLAND  
c/o Impact Hub Oakland  
2323 Broadway  
Oakland, CA 94612  
(510) 250-8210

[spur.org](http://spur.org)

## Somera, Alisa (BOS)

---

**From:** Ilsa Lund <ILund@larkinstreetyouth.org>  
**Int:** Monday, January 25, 2016 9:30 AM  
**To:** Cohen, Malia (BOS); Peskin, Aaron (BOS)  
**Cc:** Power, Andres; Sherilyn Adams; Wiener, Scott; Somera, Alisa (BOS)  
**Subject:** Support of legislation to amend Planning Code for Affordable Housing  
**Attachments:** Jan 25 Land Use Committee Letter.pdf

Dear members of the Land Use and Transportation Committee:

Attached please find a letter of support on behalf of Larkin Street Youth Services in regard to legislation introduced by Supervisor Wiener that would amend the Planning Code to allow affordable housing projects to forego the Planning Commission hearing process for Conditional Use authorization.

Sincerely,

Ilsa Lund  
Senior Director of Operations  
Larkin Street Youth Services  
134 Golden Gate Avenue  
San Francisco, CA 94109  
Mobile: 347.267.1321  
URL: [www.larkinstreetyouth.org](http://www.larkinstreetyouth.org)

The mission of Larkin Street Youth Services is to create a continuum of services that inspires youth to move beyond the streets. We nurture potential, promote dignity, and support bold steps by all.

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YOUTH SERVICES

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Larkin Street Youth Services  
 134 Golden Gate Avenue  
 San Francisco, CA 94102  
 Tel (415) 673.0911  
 Fax (415) 749.3838  
 www.larkinstreetyouth.org

January 25, 2015

Land Use and Transportation Committee  
 San Francisco Board of Supervisors  
 Alisa.Somera@sfgov.org

Re: Support of Ordinance to amend the Planning Code for Affordable Housing

Dear Members of the Land Use and Transportation Committee:

On behalf of Larkin Street Youth Services, I am writing to offer my strong support of legislation introduced by Supervisor Wiener to amend the San Francisco Planning Code so housing projects that are 100% affordable would forgo the Planning Commission for Conditional Use authorization.

Under the new code, 100% affordable housing projects would be approved by administrative staff, saving both time and uncertainty related to the lengthy Commission hearing process. As one of San Francisco's largest providers of housing to homeless youth, Larkin Street supports efforts to improve the housing pipeline, reduce administrative barriers, and bring more affordable housing projects online.

Affordable housing is a crucial issue in our city, where housing costs now exceed every municipality in the nation. We must identify and resolve bottlenecks to ensure that more affordable housing is available to help ease San Francisco's housing crisis. This legislation is an important step toward achieving this goal.

I urge you to support this legislation and invite you to contact me should you wish to know more about Larkin Street's position. I can be reached at (415) 673-0911 x316 or [sadams@larkinstreetyouth.org](mailto:sadams@larkinstreetyouth.org).

Sincerely,

Sherilyn Adams  
 Executive Director

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

November 25, 2015

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

Dear Commissioners:

On November 17, 2015, Supervisor Wiener introduced the following **substitute** legislation:

**File No. 150914-3**

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH (Residential, House) zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

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: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
Jeanie Poling, Environmental Planning  
Joy Navarrete, Environmental Planning

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

November 25, 2015

File No. 150914-3

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

Dear Ms. Jones:

On November 17, 2015, Supervisor Wiener introduced the following **substitute** legislation:

**File No. 150914-3**

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH (Residential, House) zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning


BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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## MEMORANDUM

TO: Phil Ginsburg, General Manager, Department of Recreation and Parks  
Olson Lee, Director, Mayor's Office of Housing and Community  
Development  
Cynthia Goldstein, Executive Director, Board of Appeals

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: November 25, 2015

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following **substitute** legislation, introduced by Supervisor Wiener on November 17, 2015:

**File No. 150914-3**

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH (Residential, House) zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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](mailto:alisa.somera@sfgov.org).

c: Sarah Ballard, Recreation and Park Department  
Sophie Hayward, Mayor's Office of Housing and Community Development  
Gary Cantara, Board of Appeals

BOARD of SUPERVISORS



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

October 27, 2015

File No. 150914

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

Dear Ms. Jones:

On October 20, 2015, Supervisor Wiener introduced the following proposed legislation:

**File No. 150914**

**Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing in other zoning districts, except in RH (Residential, House) zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Parks Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning



BOARD of SUPERVISORS



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October 27, 2015

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

Dear Commissioners:

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**File No. 150914**

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Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
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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

## MEMORANDUM

TO: Phil Ginsburg, General Manager, Department of Recreation and Parks  
Olson Lee, Director, Mayor's Office of Housing and Community  
Development  
Cynthia Goldstein, Executive Director, Board of Appeals

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: October 27, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by {Sponsor} on {Introduction Date}:

**File No. 150914**

**Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing in other zoning districts, except in RH (Residential, House) zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Parks Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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](mailto:alisa.somera@sfgov.org).

c: Sarah Ballard, Director of Policy and Public Affairs  
Margaret McArthur, Commission Secretary  
Eugene Flannery, Secretary  
Sophie Hayward, Director of Policy and Legislative Affairs  
Gary Cantara, Secretary

BOARD of SUPERVISORS



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September 22, 2015

File No. 150914

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On September 15, 2015, Supervisor Wiener introduced the following legislation, which has been referred to the Land Use and Transportation Committee:

**File No. 150914**

**Ordinance amending the Planning Code to permit affordable housing as a principal use in the public zoning district and not requiring a conditional use permit for affordable housing in other zoning districts, except in RH (Residential, House) zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to be "Derek Evans".

By: Derek Evans, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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September 22, 2015

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

Dear Commissioners:

On September 15, 2015, Supervisor Wiener introduced the following legislation:

**File No. 150914**

**Ordinance amending the Planning Code to permit affordable housing as a principal use in the public zoning district and not requiring a conditional use permit for affordable housing in other zoning districts, except in RH (Residential, House) zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.**

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 black ink, appearing to read "Derek Evans".

By: Derek Evans, Assistant Clerk

cc: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
AnMarie Rodgers, Senior Policy Manager  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
Jeanie Poling, Environmental Planning  
Joy Navarrete, Environmental Planning

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## MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Parks Department  
Olson Lee, Director, Mayor's Office of Housing & Community Development  
Cynthia Goldstein, Executive Director, Board of Appeals

FROM: Derek Evans, Assistant Clerk, Board of Supervisors

DATE: September 22, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Wiener on September 15, 2015:

**File No. 150914**

**Ordinance amending the Planning Code to permit affordable housing as a principal use in the public zoning district and not requiring a conditional use permit for affordable housing in other zoning districts, except in RH (Residential, House) zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.**

If you have any additional 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.

cc: Sarah Ballard, Recreation and Parks Department  
Margaret McArthur, Recreation and Parks Commission  
Sophie Hayward, Mayor's Office of Housing  
Eugene Flannery, Mayor's Office of Housing  
Victor Pacheco, Board of Appeals

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ 150914 ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

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

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

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

**Sponsor(s):**

Supervisor Wiener

**Subject:**

Planning Code - Affordable Housing

**The text is listed below or attached:**

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Parks Department; and affirming the Planning Department's determination under the California Environmental Quality Act; Planning Code Section 302 findings; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Signature of Sponsoring Supervisor:

*Scott Wemy*

For Clerk's Use Only:



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

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- 6. Call File No. [ ] from Committee.
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- 8. Substitute Legislation File No. [ 150914 ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

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

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

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

**Sponsor(s):**

Supervisor Wiener

**Subject:**

Planning Code - Affordable Housing

**The text is listed below or attached:**

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing in other zoning districts, except in RH zoning districts and on designated public open space or property under the jurisdiction of the Recreation and Parks Department; and affirming the Planning Department's determination under the California Environmental Quality Act; Planning Code Section 302 findings; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.



Signature of Sponsoring Supervisor:

*Scott Wang*

or Clerk's Use Only:

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
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- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

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

**Sponsor(s):**

Supervisor Wiener

**Subject:**

Planning Code - Affordable Housing

**The text is listed below or attached:**

Ordinance amending the Planning Code to permit affordable housing as a principal use in the Public zoning district and not requiring a conditional use permit for affordable housing in other zoning districts, except in RH zoning districts and on designated public open space or property under the jurisdiction of the Recreation & Parks Department; and affirming the Planning Department's determination under the California Environmental Quality Act; Planning Code Section 302 findings; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Signature of sponsoring Supervisor:

*John Wilner*

For Clerk's Use Only:

