

File No. 150914

Committee Item No. 3

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date January 25, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Vacancy Notice                               |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

### OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Recommendation, dtd 12/9/15</u> |
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Completed by: Alisa Somera Date January 21, 2016

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Planning Code - Affordable Housing as Principal Use]

2

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

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

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

17

18 Section 1. Findings.

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

24

25

1 (b) On \_\_\_\_\_, 2015, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

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

10  
11 Section 2. The Planning Code is hereby amended by revising Sections 202, 253, 309  
12 and 329 to read as follows:

13 **SEC. 202. USES PERMITTED BY THIS CODE.**

14 \* \* \* \*

15 (e) Notwithstanding anything to the contrary contained in this Planning Code, any project  
16 where the principal use is housing comprised solely of housing that is restricted for a minimum of 55  
17 years as affordable for "persons and families of low or moderate income," as defined in California  
18 Health & Safety Code Section 50093, shall be considered a principally permitted use and shall not  
19 require conditional use authorization, permit review under Planning Code Section 309, authorization  
20 as a planned unit development or a large project authorization, provided that the site is not designated  
21 as public open space, is not under the jurisdiction of the San Francisco Recreation and Park  
22 Department, or is not located in a zoning district that prohibits residential uses or in an RH zoning  
23 district. The City may develop, or cause to be developed, any project where the principal use is  
24 housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for  
25 "persons and families of low or moderate income," as defined in California Health & Safety Code

1 Section 50093, provided that the site is not designated as public open space, is not under the  
2 jurisdiction of the San Francisco Recreation and Park Department, or is not located in a zoning district  
3 that prohibits residential uses or in an RH zoning district. If a non-residential use contained in any  
4 proposed project would require conditional use authorization, permit review under Planning Code  
5 Section 309, authorization as a planned unit development or a large project authorization, such  
6 requirement would apply unless the non-residential use is accessory to and supportive of the affordable  
7 housing on-site. Upon request, the Zoning Administrator shall make a written determination about  
8 whether a site is designated as public open space, which determination may be appealed to the Board  
9 of Appeals.

10  
11 **SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A**  
12 **HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC**  
13 **DISTRICTS.**

14 (a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or  
15 RC District, established by the use district provisions of Article 2 of this Code, wherever a  
16 height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District,  
17 is prescribed by the height and bulk district in which the property is located, any building or  
18 structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC  
19 District, shall be permitted only upon approval by the Planning Commission according to the  
20 procedures for conditional use approval in Section 303 of this Code; provided, however, that a  
21 building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage  
22 on the front façade is subject to the conditional use requirement; and provided further any  
23 project where the principal use is housing comprised solely of housing that is restricted for a minimum  
24 of 55 years as affordable for “persons and families of low or moderate income,” as defined in  
25 California Health & Safety Code Section 50093, and is not located in an RH zoning district or on a site

1 designated as public open space or under the jurisdiction of the San Francisco Recreation and Park  
2 Department, shall not require conditional use authorization as described in this Section 253. If any  
3 non-residential uses contained in the project would require conditional use authorization, such  
4 requirement would apply unless the non-residential use is accessory to and supportive of the affordable  
5 housing on-site. Upon request, the Zoning Administrator shall make a written determination about  
6 whether a site is designated as public open space, which determination may be appealed to the Board  
7 of Appeals.

8 (b) Commission Review of Proposals.

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

18 (2) In reviewing a proposal for a building exceeding 50 feet in RM and RC  
19 districts, the Planning Commission may require that the permitted bulk and required setbacks  
20 of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow  
21 streets (rights-of-way 40 feet in width or narrower) and alleys.

22  
23 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

24 The provisions and procedures set forth in this Section shall govern the review of  
25 project authorization and building and site permit applications for (1) the construction or

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

18 \* \* \* \*

19 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS**  
20 **MIXED USE DISTRICTS.**

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

25 (b) **Applicability.**

1           (1) This Section 329 applies to all projects in the Eastern Neighborhoods Mixed  
2 Use Districts, except projects in the Western SoMa Special Use District, subject to Section  
3 823(c)(12), that meet at least one of the following criteria:

4                   (1 A) The project includes the construction of a new building greater  
5 than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a  
6 vertical addition to an existing building with a height of 75 feet or less resulting in a total  
7 building height greater than 75 feet; or

8                   (2 B) The project involves a net addition or new construction of more  
9 than 25,000 gross square feet.

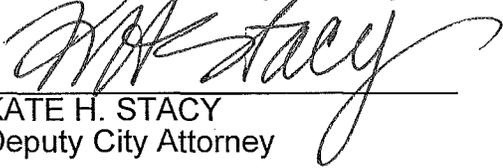
10           (2) This Section 329 shall not apply to any project where the principal use is housing  
11 comprised solely of housing that is restricted for a minimum of 55 years as affordable for “persons  
12 and families of low or moderate income,” as defined in California Health & Safety Code Section  
13 50093, and is not located on a site designated as public open space or under the jurisdiction of the  
14 San Francisco Recreation and Park Department. If any non-residential uses contained in the project  
15 otherwise would require large project authorization or conditional use authorization, such  
16 requirement would apply unless the non-residential use is accessory to and supportive of the  
17 affordable housing on-site. Upon request, the Zoning Administrator shall make a written  
18 determination about whether a site is designated as public open space, which determination may be  
19 appealed to the Board of Appeals.

20  
21           Section 3. Effective Date. This ordinance shall become effective 30 days after  
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
24 of Supervisors overrides the Mayor's veto of the ordinance.

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

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By:

  
11 KATE H. STACY  
12 Deputy City Attorney

13 n:\legana\as2015\1600067\01058216.docx

**REVISED LEGISLATIVE DIGEST**

(11/17/2015, Substituted)

[Planning Code - Affordable Housing as Principal Use]

**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.**

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, authorization as a planned unit development, Planning Code Section 309 review, or a large project authorization, provided that the site is not designated as public open space, or under the jurisdiction of the San Francisco Recreation and Park Department, or located in a zoning district where residential uses are prohibited or in an RH zoning district. If a non-residential use contained in a proposed project would require conditional use authorization, authorization as a planned unit development, Section 309 review, or a large project authorization, such requirement would apply unless the non-residential use is accessory to and supportive of the affordable housing on-site. Upon request, the Zoning Administrator must make a written determination about whether a site is designated as public open space, which determination may be appealed to the 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

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 blue ink 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 -08'00'



# SAN FRANCISCO PLANNING DEPARTMENT

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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

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

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**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

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

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*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**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### 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>
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### **Attachments:**

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

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

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
- Sarah Jones, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

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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**

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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

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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

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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

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October 27, 2015

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

Dear Commissioners:

On October 20, 2015, Supervisor Wiener introduced the following **substitute** 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.**

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

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script 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  
Sarah Jones, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
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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: October 27, 2015

SUBJECT: LEGISLATION INTRODUCED

---

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

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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 read "Derek Evans".

By: Derek Evans, Assistant Clerk

Attachment

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

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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

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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  
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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:

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Supervisor Wiener

**Subject:**

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Signature of Sponsoring Supervisor:

*Scott Wong*

For Clerk's Use Only:

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**Sponsor(s):**

Supervisor Wiener

**Subject:**

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

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Signature of Sponsoring Supervisor:

*Scott Wilner*

For Clerk's Use Only: