


BOARD of SUPERVISORS



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MEMORANDUM

TO: Jeff Kositsky, Director, Department of Homelessness and Supportive Housing
Olson Lee, Director, Mayor's Office of Housing and Community Development
Tiffany Bohee, Executive Director, Office of Community Investment and Infrastructure

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

DATE: September 14, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on September 6, 2016:

File No. 160960

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare 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.

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

c: Sophie Hayward, Mayor's Office of Housing and Community Development
Claudia Guerra, Office of Community Investment and Infrastructure

1 [Planning Code - Temporary Homeless Shelters in Certain Industrial and Mixed-Use Districts]

2
3 **Ordinance amending the Planning Code to allow temporary Homeless Shelters in the**
4 **Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the**
5 **Service/Arts/Light Industrial zoning districts, subject to conditional use authorization;**
6 **affirming the Planning Commission’s determination under the California Environmental**
7 **Quality Act; making findings of public convenience, necessity, and welfare under**
8 **Planning Code, Section 302; and making findings of consistency with the General Plan,**
9 **and the eight priority policies of Planning Code, Section 101.1.**

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

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

18 Section 1. Environmental and Land Use Findings.

19 (a) On _____, 2016, after a duly noticed public hearing, the Planning
20 Commission, in Resolution No. _____, adopted findings that the actions contemplated
21 in this ordinance are not, in and of themselves, subject to the California Environmental Quality
22 Act (CEQA) (California Public Resources Code Sections 21000 et seq.). A copy of said
23 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is
24 incorporated herein by reference. The Board of Supervisors adopts these findings as its own.
25

1 (b) In Resolution No. _____, the Planning Commission also adopted findings
2 that the actions contemplated in this ordinance are consistent, on balance, with the City's
3 General Plan and the eight priority policies of Planning Code Section 101.1. The Board of
4 Supervisors adopts these findings as its own.

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

9
10 Section 2. Additional Findings.

11 (a) A significant number of people in San Francisco cannot obtain adequate or
12 appropriate shelter. According to the San Francisco biennial "Point-in-Time" homeless count
13 and survey taken in January 2015, there were 6,686 adults and 853 youth without a place to
14 live, constituting a total of 7,539 homeless people. Between the January 2013 homeless
15 count and survey and the January 2015 homeless count and survey, the number of homeless
16 people rose in seven of the 11 San Francisco supervisorial districts. A 10-year trend of
17 comparable Point-in-Time data (excluding the targeted youth count) identified a 7% increase
18 in the number of homeless people in San Francisco between 2005 and 2015.

19 (b) As San Francisco's homeless population ages, additional health services are
20 needed to address the homeless population's deteriorating health. According to the January
21 2015 homeless count and survey, 22% of the homeless were between the ages of 51 and 60,
22 up from 14% in 2013, and 8% were 61 or older, up from 3% in 2013.

23 (c) The inability to obtain adequate or appropriate shelter threatens the health and
24 safety of homeless people. Homelessness is an independent risk factor for a number of
25 illnesses through its association with exposure to harsh weather, high stress levels, sleep

1 deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and poor
2 nutrition. For example, sleep deprivation impairs cognitive processes and increases the risk
3 of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke,
4 and diabetes.

5 (d) The City has partnered and collaborated with community-based nonprofit
6 organizations serving homeless populations to develop and implement new strategies to
7 shelter and identify housing for difficult-to-serve homeless populations, including residents of
8 encampments, people who have not accessed the traditional shelter system, the long-term
9 homeless population, and Homeward Bound clients. Since 2015, the City has successfully
10 piloted the Navigation Center model, a temporary Homeless Shelter model that minimizes
11 barriers to participation and seeks to connect clients to stable income, public benefits, and
12 permanent housing outside of the Navigation Center. This ordinance would facilitate the
13 expansion of the Navigation Center model and the successful transition of difficult-to-serve
14 homeless populations to services and permanent housing.

15 (e) According to Administrative Code Chapter 106, the City is required to open and
16 operate no fewer than six Navigation Centers by July 31, 2018 (within 24 months of the July
17 31, 2016 effective date of Ordinance No. 117-16), develop plans for the equitable distribution
18 of shelter and housing resources, and identify sustainable revenue sources for the
19 development of new permanent housing for homeless individuals.

20 (f) This ordinance would amend the Planning Code to allow temporary Homeless
21 Shelter uses in the Production, Distribution, and Repair (PDR), the WSoMa Mixed Use-Office
22 (WMUO), and the Service/Arts/Light Industrial (SALI) zoning districts subject to conditional
23 use authorization.

1 Section 3. Section 210.3 of the Planning Code is hereby amended by revising Table
 2 210.3, to read as follows:

Table 210.3					
ZONING CONTROL TABLE FOR PDR DISTRICTS					
Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
****	****	****	****	****	****
Homeless Shelter	§§ 102, 208	<i>NP C (18)</i>	<i>NP C (18)</i>	<i>NP C (18)</i>	<i>NP C (18)</i>
****	****	****	****	****	****

11 ****

12 (18) In this District, Homeless Shelter uses are permitted only with Conditional Use
 13 authorization and only if each such use (a) would operate for no more than four years, and (b) would
 14 be owned or leased by, operated by, and/or under the management or day-to-day control of the City
 15 and County of San Francisco. If such a use is to be located within a building or structure, the building
 16 or structure must be either (a) preexisting, having been completed and previously occupied by a use
 17 other than a Homeless Shelter, or (b) temporary. In this District, construction of a permanent structure
 18 or building to be used as a Homeless Shelter is not permitted.

20 Section 4. Section 845 of the Planning Code is hereby amended by revising Table
 21 845, including adding the portion entitled “Specific Provisions for WMUO Districts” at the end
 22 of the table, to read as follows:

Table 845	
WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE	

1	No.	Zoning Category	§ References	<u>WSOMA</u> Mixed Use-Office District Controls
2				
3	****	****	****	****
4	845.23b	Homeless Shelters	§§ 102, 890.88(d)	<u>NP_C#</u>
5	****	****	****	****

SPECIFIC PROVISIONS FOR WMUO DISTRICTS

<u>Article Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
8 <u>§ 845.23b</u> 9 <u>§ 890.88(d)</u>	8 <u>§ 102</u>	8 <u>In this District, Homeless Shelter uses are permitted</u> 9 <u>only with Conditional Use authorization and only if</u> 10 <u>each such use (a) would operate for no more than four</u> 11 <u>years, and (b) would be owned or leased by, operated</u> 12 <u>by, and/or under the management or day-to-day</u> 13 <u>control of the City and County of San Francisco. If</u> 14 <u>such a use is to be located within a building or</u> 15 <u>structure, the building or structure must be either (a)</u> 16 <u>preexisting, having been completed and previously</u> 17 <u>occupied by a use other than a Homeless Shelter, or (b)</u> 18 <u>temporary. In this District, construction of a</u> 19 <u>permanent structure or building to be used as a</u> 20 <u>Homeless Shelter is not permitted.</u>

Section 5. Section 846 of the Planning Code is hereby amended by revising Table 846, including the table entitled “Specific Provisions for SALI Districts,” to read as follows:

Table 846

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SALI District Controls
****	****	****	****
844.23b <u>846.23b</u>	Homeless Shelters	§§ 102, 890.88(d)	NP_C#
****	****	****	****

SPECIFIC PROVISIONS FOR SALI DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
****	****	****
<u>§ 846.23b</u> <u>§ 890.88(d)</u>	<u>§ 102</u>	<i><u>In this District, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. In this District, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.</u></i>
****	****	****

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be

1 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
2 shall not affect the validity of the remaining portions or applications of the ordinance. The
3 Board of Supervisors hereby declares that it would have passed this ordinance and each and
4 every section, subsection, sentence, clause, phrase, and word not declared invalid or
5 unconstitutional without regard to whether any other portion of this ordinance or application
6 thereof would be subsequently declared invalid or unconstitutional.

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

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

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 

23 CHRISTOPHER T. TOM
24 Deputy City Attorney

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