

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

July 30, 2019

File No. 190812

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

Dear Ms. Gibson:

On July 23, 2019, Supervisor Safai submitted the proposed legislation:

**File No. 190812**

**Ordinance amending the Planning Code to allow temporary long-term parking of and overnight camping in vehicles, and ancillary uses including administrative offices, restrooms, showering or bathing facilities, kitchen or other food preparation facilities, and eating areas at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039, subject to compliance with all other Municipal Code requirements, including but not limited to requirements of the Overnight Safe Parking Pilot Program; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

1 [Planning Code - Allowing Long-Term Parking of and Overnight Camping in Vehicles and  
2 Ancillary Uses at 2340 San Jose Avenue]

3 **Ordinance amending the Planning Code to allow temporary long-term parking of and**  
4 **overnight camping in vehicles, and ancillary uses including administrative offices,**  
5 **restrooms, showering or bathing facilities, kitchen or other food preparation facilities,**  
6 **and eating areas at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No.**  
7 **039, subject to compliance with all other Municipal Code requirements, including but**  
8 **not limited to requirements of the Overnight Safe Parking Pilot Program; affirming the**  
9 **Planning Department's determination under the California Environmental Quality Act;**  
10 **making findings of consistency with the General Plan, and the eight priority policies of**  
11 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**  
12 **and welfare under Planning Code, Section 302.**

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

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

21 Section 1. Environmental and Land Use Findings.

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

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

11  
12 Section 2. Factual Findings.

13 (a) On May 10, 2019, the City enacted Ordinance No. 82-19, creating the Safe  
14 Overnight Parking Pilot Program to provide eligible vehicularly homeless persons a place to  
15 park and sleep in their vehicles overnight, case management, and other services, to address  
16 the increasing numbers of individuals residing in their vehicles.

17 (b) The 2019 San Francisco Homeless Point-in-Time Count and Survey estimates that  
18 approximately 578 vehicles, including passenger vehicles, recreational vehicles ("RVs") and  
19 vans, appear to be inhabited. According to housing rights advocates, these estimates are  
20 conservative, and the actual number of people living temporarily or permanently in their  
21 vehicles is much higher. The population of vehicularly homeless persons is diverse and  
22 vulnerable, and includes families with children, young people, immigrants, the physically and  
23 mentally disabled, seniors, veterans, the employed, and the underemployed.

24 (c) The Board of Supervisors finds that 2340 San Jose Avenue, Assessor's Block  
25 6973, Lot 039, which is currently used as a parking lot, is a suitable site for implementation of

1 the Safe Overnight Parking Pilot Program on a temporary basis, until the site is used for  
2 construction of affordable housing. The Mayor's Office of Housing and Community  
3 Development anticipates that construction of affordable housing on the site will begin in Fall  
4 2020.

5  
6 Section 3. The Planning Code is hereby amended by revising Section 205.2, to read  
7 as follows:

8 **SEC. 205.2. TEMPORARY USES: ONE- OR TWO-YEAR LIMIT.**

9 A temporary use may be authorized for a period not to exceed two years for any of the  
10 following uses:

11 \* \* \* \*

12 (f) On Assessor's Block 6973, Lot 039, long-term parking of and overnight camping in vehicles,  
13 and ancillary uses in portable, temporary structures including administrative offices, restrooms,  
14 showering or bathing facilities, kitchen or other food preparation facilities, and eating areas, may be  
15 permitted, subject to compliance with all other Municipal Code requirements, including but not limited  
16 to the Overnight Safe Parking Pilot Program, Administrative Code Chapter 119, Article I.

17  
18 Section 4. Effective Date. This ordinance shall become effective 30 days after  
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
21 of Supervisors overrides the Mayor's veto of the ordinance.

22  
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
2 additions, and Board amendment deletions in accordance with the "Note" that appears under  
3 the official title of the ordinance.

4  
5 APPROVED AS TO FORM:  
6 DENNIS J. HERRERA, City Attorney

7 By:  \_\_\_\_\_  
8 VICTORIA WONG  
9 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code - Allowing Long-Term Parking of and Overnight Camping in Vehicles and Ancillary Uses at 2340 San Jose Avenue]

**Ordinance amending the Planning Code to allow temporary long-term parking of and overnight camping in vehicles, and ancillary uses including administrative offices, restrooms, showering or bathing facilities, kitchen or other food preparation facilities, and eating areas at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039, subject to compliance with all other Municipal Code requirements, including but not limited to requirements of the Overnight Safe Parking Pilot Program; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

### Existing Law

Currently, 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039 is zoned NCT-2 (Planning Code Sec. 751). Temporary use for long-term parking of and overnight camping in vehicles is not currently permitted at this location.

### Amendments to Current Law

This ordinance would amend Section 205.2 of the Planning Code to allow the following temporary use for up to two years at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039: long-term parking of and overnight camping in vehicles, and ancillary uses in portable, temporary structures including administrative offices, restrooms, showering or bathing facilities, kitchen or other food preparation facilities, and eating areas, subject to compliance with all other Municipal Code requirements, including but not limited to the Overnight Safe Parking Pilot Program, Administrative Code Chapter 119, Article I.

### Background Information

The Mayor's Office of Housing and Community Development plans to construct an affordable housing project at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039, starting in Fall 2020.