

BOARD of SUPERVISORS



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MEMORANDUM

Date: December 26, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 241210
Planning Code - Notice for Housing Element Required Rezoning

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Planning Code - Notice for Housing Element Required Rezoning]

2

3 **Ordinance amending the Planning Code to require notice of rezoning required to**
 4 **comply with Housing Element law; affirming the Planning Department's determination**
 5 **under the California Environmental Quality Act; making findings of consistency with**
 6 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
 7 **making findings of public necessity, convenience, and welfare pursuant to Planning**
 8 **Code, Section 302.**

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

13

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

15

16 Section 1. Environmental and Land Use Findings.

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

22 (b) On _____, the Planning Commission, in Resolution No. _____,
 23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 24 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
 25

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. _____, and the Board adopts such
6 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated herein by reference.

8
9 Section 2. General Findings.

10 (a) San Francisco’s Regional Housing Needs Allocation (“RHNA”) in the current 2023-
11 2031 Housing Element cycle is 82,069 units over eight years (46,598 units of which must be
12 affordable to very low-, low-, and moderate-income households), which is more than 2.5 times
13 the allocation of the previous eight-year cycle. San Francisco will face significant challenges in
14 meeting this goal.

15 (b) To meet its RHNA obligation, the City is proposing to rezone large parts of San
16 Francisco to accommodate more units. The Planning Department’s current proposal is called
17 the Expanding Housing Choice (Housing Element Rezoning Program), and available on the
18 Department’s website.

19 (c) Despite the Planning Department’s public outreach efforts, many property owners,
20 residents, and business owners of the properties that could be upzoned are either completely
21 unaware, or only vaguely aware, of the proposed Housing Element Rezoning Program.

22 (d) It is reasonable and in the public interest to enhance outreach and public notice to
23 property owners, residents, and business owners likely to be affected by the City’s
24 prospective upzoning. Expanding the public’s knowledge of the nature, scale, and reasonably
25 anticipated effects of the upzoning can help the public better understand and better adapt to

1 the proposed changes. This ordinance will serve those purposes by establishing procedures
2 for providing public notice of proposed increases in height limits and/or density limits pursuant
3 to the Planning Department’s Housing Element Rezoning Program.
4

5 Section 3. Article 3 of the Planning Code is hereby amended by revising Section 333,
6 to read as follows:

7 **SEC. 333. PUBLIC NOTIFICATION PROCEDURES.**

8 (a) **Purpose.** The purpose of this ~~s~~Section 333 is to establish procedures for all
9 public notifications required by this Code, except for those requirements set forth in Section
10 311.

11 (b) **Applicability.** The requirements of this Section 333 shall apply to any hearing
12 before the Planning Commission, Historic Preservation Commission, and/or the Zoning
13 Administrator for which public notice is required in this Code, except that the requirements set
14 forth in Section 311 shall be applicable to certain applications as set forth in Section 311. The
15 Zoning Administrator shall determine the means of delivering all forms of public notice, in a
16 manner consistent with the Planning Commission’s policy on notification, provided that the
17 requirements of this Section 333 are satisfied.

18 (c) **Notification Period.** For the purposes of this ~~s~~Section 333, the Notification
19 Period shall mean no fewer than 20 calendar days prior to the date of the hearing, or in the
20 case of a Building Permit Application a period of no fewer than 20 calendar days prior to any
21 Planning Department approval of the application.

22 (d) **Content of Notice.**

23 (1) All notices provided pursuant to this ~~s~~Section 333 shall have a format and
24 content determined by the Zoning Administrator, and shall at a minimum include the following:

- 25 (A) the address and block/lot number(s) of the subject project; and

1 (B) the Planning Department case number or Building Permit Application
2 number, as applicable, for the subject project; and

3 (C) the basic details of the project, including whether the project is a
4 demolition, new construction, alteration, or change of use; and basic details comparing the
5 existing and proposed conditions at the property including building height, number of stories,
6 dwelling unit count, number of parking spaces, and the use of the building; and

7 (D) instructions on how to access the online notice and plan sets for the
8 project, including how to obtain paper copies of the plan sets, and additional information for
9 any public hearings required by the Planning Code and for which public notification is required
10 for a development application: the date, time and location of the hearing; instructions for how
11 to submit comments on the proposed project to the hearing body; and an explanation as to
12 why the hearing is required.

13 (2) **Language Access.**

14 (A) All forms of public notice provided pursuant to this Section 333 shall
15 comply with the requirements of the Language Access Ordinance, Chapter 91 of the
16 Administrative Code, to provide vital information about the Department's services or programs
17 in the languages spoken by a Substantial Number of Limited English Speaking Persons, as
18 defined in Chapter 91.

19 (B) The notices required by this Section 333 shall contain the
20 information set forth in Subsection 333(d)(1) in the languages spoken by a Substantial Number
21 of Limited English Speaking Persons, as defined in Administrative Code Chapter 91.

22 (e) **Required Notices.** Except as provided in subsection 333(f), all notices provided
23 pursuant to this sSection 333 shall be provided in the following formats:

24 (1) **Posted Notice.** A poster or posters with minimum dimensions of 11 x 17
25 inches, including the content set forth in subsection 333(d), shall be placed by the project

1 applicant at the subject property ~~and~~ for the entire duration of the Notification Period as set
2 forth herein. This notice shall be in addition to any notices required by the Building Code,
3 other City codes, or State law. One poster shall be required for each full 25 feet of each street
4 frontage of the subject property. For example, two posters would be required for a 50 foot
5 street frontage; three posters would be required for either a 75 foot frontage or a 99 foot
6 frontage. Multiple posters shall be spread along the subject street frontage as regularly as
7 possible. All required posters shall be placed as near to the street frontage of the property as
8 possible, in a manner to be determined by the Zoning Administrator that is visible and legible
9 from the sidewalk or nearest public right-of way. The requirements of this ~~S~~subsection
10 ~~333~~(e)(1) may be modified upon a determination by the Zoning Administrator that a different
11 location for the sign would provide better notice or that physical conditions make this
12 requirement impossible or impractical, in which case the sign shall be posted as directed by
13 the Zoning Administrator.

14 (2) **Mailed Notice.** Written notice with minimum dimensions of 5-1/2 x 8-1/2
15 inches, including the contents set forth in subsection ~~333~~(d), shall be mailed to all of the
16 following recipients in a timely manner pursuant to the Notification Period established herein:

17 (A) Neighborhood organizations that have registered with the Planning
18 Department, to be included in a list that shall be maintained by the Planning Department and
19 available for public review for the purpose of notifying such organizations of hearings and
20 applications in specific areas; ~~and~~

21 (B) Individuals who have made a specific written request ~~for~~ to be
22 notified of hearings and applications at a subject lot; and

23 (C) All owners and, to the extent practicable, occupants of properties,
24 within no less than 150 feet of the subject property, including the owner(s) and occupant(s) of
25 the subject property, including any occupants of unauthorized dwelling units. Names and

1 addresses of property owners shall be taken from the latest Citywide Assessor's Roll. Failure
2 to send notice by mail to any such property owner where the address of such owner is not
3 shown on such assessment roll shall not invalidate any proceedings in connection with such
4 action. The Zoning Administrator shall determine the appropriate methodology for satisfying
5 this requirement. If applicable State law requires notice to be provided in a different manner,
6 such notice will be provided consistent with applicable State requirements.

7 (3) **Online Notice.** For the entire duration of the Notification Period established
8 herein, the following notification materials shall be provided on a publicly accessible website
9 that is maintained by the Planning Department:

10 (A) A digital copy formatted to print on 11 x 17 inch paper of the posted
11 notice including the contents set forth in subsection ~~333~~(d) for the hearing or application; and

12 (B) Digital copies of any architectural and/or site plans that are scaled
13 and formatted to print on 11 x 17 inch paper, are consistent with Plan Submittal Guidelines
14 maintained and published by the Planning Department, and that describe and compare, at a
15 minimum, the existing and proposed conditions at the subject property, the existing and
16 proposed conditions in relationship to adjacent properties, and that may include a site plan,
17 floor plans, and elevations documenting dimensional changes required to describe the
18 proposal.

19 (f) **Notice of Hearings for Legislative Actions.** Notwithstanding the foregoing, for
20 all hearings required for consideration of legislation, including but not limited to a Planning
21 Code Amendment, Zoning Map Amendment, General Plan Amendment, or Interim Zoning
22 Controls, an online notice shall be provided for the entire duration of the Notification Period
23 established herein on a publicly accessible website that is maintained by the Planning
24 Department, and shall include the date, time, and location of the hearing; the case number for
25 the subject action; a general description of the subject and purpose of the hearing; and

1 instructions for how to contact the planner assigned to the case and provide comment to the
2 hearing body.

3 (1) Zoning Map Amendments and Interim Controls. Except as provided in subsection
4 (f)(2), For any legislative proposal to reclassify property through a Zoning Map Amendment,
5 or to establish Interim Zoning Controls, if the area to be reclassified or the area in which the
6 interim controls are applicable is 30 acres or less in total area, excluding the area of public
7 streets and alleys, the information specified in this subsection (f) shall be provided in a mailed
8 notice consistent with the requirements of subsection 333(d), and the notices shall also
9 include a map or general description of the area proposed for reclassification or action. For
10 any legislative proposal to reclassify property through a Zoning Map Amendment, if the area
11 to be reclassified comprises a single development lot or site, the required information shall
12 also be provided in a posted notice consistent with the requirements of subsection 333(d).

13 (2) Housing Element Rezoning. This subsection (f)(2) applies to any legislative
14 proposal to reclassify property through a Planning Code amendment and/or Zoning Map amendment
15 required to comply with the City's Housing Element obligation to create sufficient capacity to meet its
16 6th cycle Regional Housing Needs Allocation (2023-2031), pursuant to California Government Code
17 Section 65583(c), as may be amended from time to time.

18 (A) For any such proposal, the Department shall provide 30 days mailed notice
19 consistent with the requirements of subsection (d), and the notice must include all of the following:

20 (i) A map of the Department's Draft Citywide Rezoning Proposal
21 showing all parcels to be reclassified with increased height and density limits.

22 (ii) A comparison of the proposed height and density limits to the
23 existing height and density limits, including a general depiction of the parcels proposed to be rezoned
24 in the neighborhood.

1 (iii) A general description of the legislative process, information on how
2 to submit comments to the Planning Department or Commission, and how to obtain additional
3 information, and/or information on how to request a meeting with the Planning Department.

4 (B) In addition to the recipients listed in subsection (e)(2), the notice required by
5 this subsection (f)(2) shall be mailed to the property owners, residents, and commercial lessees, of
6 properties that are either within the areas subject to the proposed rezoning or within a distance of 300
7 feet of the exterior boundaries of such areas. Failure to send notice by mail to any such property
8 owner, resident, or commercial lessee shall not invalidate any proceedings in connection with the
9 rezoning.

10 (C) Notwithstanding subsection (g), the requirements of this subsection (f)(2)
11 may not be waived by the Zoning Administrator.

12 (g) **Elimination of Duplicate Notice.** The notice provisions of this Section 333 may
13 be waived by the Zoning Administrator for applications that have been, or prior to any
14 approval will be, the subject of an otherwise duly noticed public hearing before the Planning
15 Commission or Zoning Administrator, provided that the nature of work for which the
16 application is required is both substantially included in the hearing notice and was the subject
17 of the hearing.

18 (h) **Newspaper Notice.** If newspaper notice is required by applicable State law, the
19 City shall provide such newspaper notice.

20
21 Section 4. 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 5. 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
9 APPROVED AS TO FORM:
10 DAVID CHIU, City Attorney

11 By: /s/ Austin Yang
12 AUSTIN M. YANG
13 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Notice for Housing Element Required Rezoning]

Ordinance amending the Planning Code to require notice of rezoning required to comply with Housing Element law; 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 pursuant to Planning Code, Section 302.

Existing Law

For any legislative rezoning, Planning Code Section 333 requires the City to provide online notice, and newspaper notice. Depending on the size of the proposed rezoning, the City may also provide posted notice and/or mailed notice. Mailed notice includes: (a) the address and block/lot numbers, (b) the Planning Department case number, (c) the basic details of the project, including a comparison of the existing and proposed conditions at the property including building height, number of stories, dwelling unit count, number of parking spaces, and the use of the building, and (d) instructions on how to access the online notice and plan sets for the project, including how to obtain paper copies of the plan sets, and additional information for any public hearings required by the Planning Code and for which public notification is required for a development application. This notice includes the date, time and location of the hearing, instructions for how to submit comments on the proposed project to the hearing body, and an explanation as to why the hearing is required. Mailed notice is not required for rezoning proposals that would affect areas larger than 30 acres.

Under Planning Code 333, the Zoning Administrator may waive any duplicative notice requirements.

Amendments to Current Law

This ordinance would require mailed notice for the Housing Element rezoning, regardless of whether the rezoning is larger than 30 acres. It would also change the mailed notice requirement by modifying the: (a) recipients to include notice to all property owners, residents and commercial lessees of all affected parcels and parcels within 300 ft of affected parcels, (b) content of the notice by requiring three additional topics to be included in the mailed notice, and (c) Zoning Administrator's authority by removing the Zoning Administrator's ability to waive the notice requirement as being duplicative of other code requirements. The City would still be required to provide online and newspaper notice.

Background Information

San Francisco's Regional Housing Needs Allocation ("RHNA") in the current 2023-2031 Housing Element cycle is 82,069 units over eight years (46,598 units of which must be affordable to very low-, low-, and moderate-income households), which is more than 2.5 times the allocation of the previous eight-year cycle. San Francisco will face significant challenges in meeting this goal. To meet its RHNA obligation, the City is proposing to rezone large parts of San Francisco to accommodate more units. The Planning Department's current proposal is called the Expanding Housing Choice (Housing Element Rezoning Program), and available on the Department's website.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: