

BOARD of SUPERVISORS



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MEMORANDUM

TO: Trent Rhorer, Executive Director, Human Services Agency

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

DATE: December 23, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on December 14, 2021:

File No. 211300

Ordinance amending the Planning Code to create the Group Housing Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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: erica.major@sfgov.org.

cc: Elizabeth LaBarre, Human Services Agency

1 [Planning Code, Zoning Map - Group Housing Special Use District]

2

3 **Ordinance amending the Planning Code to create the Group Housing Special Use**
 4 **District; affirming the Planning Department's determination under the California**
 5 **Environmental Quality Act; and making findings of consistency with the General Plan,**
 6 **and the eight priority policies of Planning Code, Section 101.1, and findings of public**
 7 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

12

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

14

15 Section 1. Environmental and Land Use Findings.

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

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

1 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
2 Planning Code and Zoning Map amendments will serve the public necessity, convenience,
3 and welfare for the reasons set forth in Planning Commission Resolution No. _____,
4 and the Board incorporates such reasons herein by reference.

5
6 Section 2. Other Specific Findings.

7 (a) The Group Housing Special Use District is generally comprised of overlapping
8 areas in whole or in part of the Chinatown Community Business District, the Chinatown Visitor
9 Retail District, the Chinatown Residential Neighborhood Commercial District, the Chinatown
10 Transit Station Special Use District, the North Beach Neighborhood Commercial District, the
11 North Beach Special Use District, the Nob Hill Special Use District and the North of Market
12 Special Use District, which are described more fully in Planning Code sections 810, 811, 812,
13 722, 780.3, 249.66, 238 and 249.5 respectively, and the Uptown Tenderloin Historic District,
14 which is described more fully in the National Register of Historic Places as approved by the
15 State Historical Resources Commission (together, “Greater Chinatown and Greater
16 Tenderloin neighborhoods”). These districts all were designed with the intent of protecting and
17 preserving, to various degrees, the established communities, including the high concentration
18 of low-income residents of single-room occupancy (SRO) residential hotels, a type of group
19 housing as defined in the Planning Code.

20 (b) The Greater Chinatown and Greater Tenderloin neighborhoods continue to have
21 the highest concentration per census tract of low-income families in San Francisco, many of
22 whom reside in overcrowded group housing projects. This concentration of existing group
23 housing projects in the Group Housing Special Use District does not currently meet the
24 housing needs of the population, which lacks access to and choice of housing options that
25

1 provide adequate cooking, food preparation, and storage facilities appropriately sized for
2 families.

3 (c) The San Francisco Human Services Agency (HSA) has documented that both
4 the Greater Chinatown and Greater Tenderloin neighborhood residents are the most at risk for
5 food insecurity and the most reliant on government aid for food subsidies among San
6 Francisco residents; and that without a complete kitchen facility with adequate space to
7 prepare, store, and cook food, residents are more likely to rely on pre-prepared meals and
8 unhealthy snacks, furthering the income inequality and public health concerns in these
9 neighborhoods.

10 (d) Given the lack of adequate kitchens and adequate food storage areas within
11 new group housing projects, as well as Greater Tenderloin and Greater Chinatown residents'
12 limited access to affordable grocery stores, and an increase in documented assaults within
13 both neighborhoods, the Board of Supervisors finds that residents of new group housing
14 projects would need to purchase prepared food and would be unlikely to walk or take transit to
15 food establishments. Thus, residents are likely to rely heavily on Transportation Network
16 Company (TNC) food delivery vehicle services (e.g., DoorDash, GrubHub, and Uber Eats
17 deliveries) to obtain food, leading to additional congestion. As documented by the San
18 Francisco County Transportation Authority in its 2017 "TNC's Today" Congestion Study, an
19 increase in TNC use in turn creates more pedestrian/vehicle collisions and increased
20 pollution; the Greater Tenderloin and Greater Chinatown neighborhood already suffers high
21 levels of both.

22 (e) Group housing projects tend to have higher turnover of tenants given that the
23 typology specifically caters to transient and temporary residents, as interpreted by the Zoning
24 Administrator. Unlike family-sized dwelling units with full kitchens and storage space designed
25

1 for permanent residents, the transient nature of group housing residents contributes to
2 destabilization of the neighborhoods in which they are located.

3 (f) Existing group housing projects within the proposed Group Housing Special Use
4 District have been found to have a high number of vacancies as documented by the
5 Department of Building Inspection’s Annual Unit Usage Report (AUUR).

6 (g) The Board of Supervisors finds that because group housing is already
7 overwhelmingly saturated within the geographic boundaries of the Group Housing Special
8 Use District, and in the interest of promoting density and geographic equity, it is necessary
9 and appropriate to prohibit new group housing uses within the Group Housing Special Use
10 District to incentivize other needed housing typologies, namely affordable family-sized
11 housing, while concurrently increasing density in other areas of the City.

12
13 Section 3. Article 2 of the Planning Code is hereby amended by adding Section
14 249.92, to read as follows:

15 **SEC. 249.92. GROUP HOUSING SPECIAL USE DISTRICT.**

16 (a) Purpose. To incentivize the development of affordable family-sized housing over housing
17 without full kitchens or adequate space to prepare, store, and cook food, in areas of the City where
18 Group Housing is already saturated, a special use district entitled the “Group Housing Special Use
19 District” is hereby established.

20 (b) Boundaries. The boundaries of the Group Housing Special Use District are shown on
21 Special Use District Maps SU 01 and 02, and consist of the following areas:

22 (1) The area within a perimeter established by Bush Street, Stockton Street, Market
23 Street, and Polk Street.

24 (2) The area within a perimeter established by Union Street, Grant Avenue, Columbus
25 Avenue, Montgomery Street, California Street, and Powell Street.

1 (c) Controls. Group Housing, as defined in Section 102, shall not be permitted in the Special
2 Use District. All other provisions of the Planning Code shall apply.

3
4 Section 4. The Planning Code is hereby amended by revising Special Use District Map
5 SU01 and SU02 of the Zoning Map of the City and County of San Francisco, as follows:

6

Description of Property	Special Use District Hereby Approved
The area within a perimeter established by Bush Street, Stockton Street, Market Street, and Polk Street.	Group Housing Special Use District
The area within a perimeter established by Union Street, Grant Avenue, Columbus Avenue, Montgomery Street, California Street, and Powell Street.	Group Housing Special Use District

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16 Section 5. Effective and Operative Dates.

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

21 (b) This ordinance shall become operative on the later of (1) its effective date stated
22 in subsection (a), or (2) on the effective date of either the ordinance in Board of Supervisors
23 File No. 210564 or the ordinance in Board of Supervisors File No. 210866. The ordinances in
24 File Nos. 210564 and 210866 change the development standards, policies, and conditions
25 applicable to RH-1 districts, increasing the development capacity in those districts. This

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Group Housing Special Use District]

Ordinance amending the Planning Code to create the Group Housing Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, group housing is allowed in most districts that allow residential uses in San Francisco.

Amendments to Current Law

This ordinance would create a special use district that prohibited Group Housing in the areas bounded by Bush Street, Stockton Street, Market Street, and Polk Street (the greater Tenderloin neighborhood), and the area bounded by Union Street, Grant Avenue, Columbus Avenue, Montgomery Street, California Street, and Powell Street (the greater Chinatown neighborhood).

The ordinance would only be effective on the effective date of the ordinance in either Board of Supervisors File Nos. 210564 or 210866. Those ordinances allow additional units in RH-1 neighborhoods. When adopted together with one of these other ordinances, this ordinance would not reduce the residential capacity of the City.

Background Information

There are a number of group housing projects in the greater Chinatown and Tenderloin neighborhoods. Group housing units contain limited or no kitchen facilities or food storage areas.

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Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Aaron Peskin

Subject:

Planning Code, Zoning Map - Group Housing Special Use District

The text is listed:

Ordinance amending the Planning Code to create the Group Housing Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor: /a/