

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

MEMORANDUM

TO: Robert Collins, Acting Executive Director, Rent Board
Olson Lee, Director, Mayor's Office of Housing and Community
Development
Tiffany Bohee, Executive Director, Office of Community Investment and
Infrastructure

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: April 27, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Planning Commission on April 19, 2016.

File No. 160347

Ordinance amending the General Plan to make conforming changes in association with legislation creating the Affordable Housing Bonus Program by amending the Housing Element, Urban Design Element, Van Ness Avenue Area Plan, Chinatown Area Plan, Downtown Area Plan, and Northeastern Waterfront Area Plan; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

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: andrea.ausberry@sfgov.org

c: Sophie Hayward, Mayor's Office of Housing and Community Development
Eugene Flannery, Mayor's Office of Housing and Community Development
Natasha Jones, Commission on Community Investment and Infrastructure
Claudia Guerra, Commission on Community Investment and Infrastructure

1 [General Plan Amendment - Affordable Housing Bonus Programs]

2
3 **Ordinance amending the General Plan to make conforming changes in association with**
4 **legislation creating the Affordable Housing Bonus Program by amending the Housing**
5 **Element, Urban Design Element, Van Ness Avenue Area Plan, Chinatown Area Plan,**
6 **Downtown Area Plan, and Northeastern Waterfront Area Plan; making findings,**
7 **including findings of consistency with the General Plan, and the eight priority policies**
8 **of Planning Code Section 101.1; and affirming the Planning Department's**
9 **determination under the California Environmental Quality Act.**

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. Findings.

19 (a) Charter Section 4.105 and Planning Code Section 340 provide that the
20 Planning Commission shall periodically recommend to the Board of Supervisors, for approval
21 or rejection, proposed amendments to the San Francisco General Plan.

22 (b) Planning Code Section 340 provides that an amendment to the General Plan
23 may be initiated by a resolution of intention by the Planning Commission, which refers to, and
24 incorporates by reference, the proposed General Plan amendment. Section 340 further
25 provides that the Planning Commission shall adopt the proposed General Plan amendment
after a public hearing if it finds from the facts presented that the public necessity, convenience

1 and general welfare require the proposed amendment or any part thereof. If adopted by the
2 Commission in whole or in part, the proposed amendment shall be presented to the Board of
3 Supervisors, which may approve or reject the amendment by a majority vote.

4 (c) The Affordable Housing Bonus Program implements Housing Element Program
5 39b. The Affordable Housing Bonus Program provides incentives for developers to include
6 more affordable housing for very low, low, moderate, and middle-income households.
7 Development bonuses, such as increased density, would be offered on a graduated scale
8 based on the percentage of affordable units provided. This proposed Program is one of the
9 tools put forward by the City to address its affordable housing goals. The proposed Affordable
10 Housing Bonus Program goals are to: (1) increase the numbers of on-site affordable units; (2)
11 improve feasibility of underutilized sites; (3) increase availability of middle-income housing;
12 and (4) expedite entitlement of 100 percent affordable housing units.

13 (d) Pursuant to Planning Code Section 340, the Planning Commission initiated this
14 amendment on _____, 2015, in Motion No. _____. Pursuant to Planning Code Section
15 340 and Charter Section 4.105, the Planning Commission adopted this amendment to the
16 various elements of the General Plan on _____, 2015 in Resolution No._____, finding that
17 this amendment serves the public necessity, convenience and general welfare, and is in
18 conformity with the General Plan and the eight Priority Policies in Planning Code Section
19 101.1.

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

1 (f) The _____, 2015 letter from the Planning Department transmitting the proposed
2 General Plan amendment to various elements of the General Plan associated with the
3 Affordable Housing Bonus Program, and the resolutions adopted by the Planning
4 Commission with respect to the approval of this amendment General Plan, are on file with the
5 Clerk of the Board of Supervisors in File No. _____.

6 (g) The Board of Supervisors finds, pursuant to Planning Code Section 340, that
7 this General Plan amendment, set forth in the documents on file with the Clerk of the Board in
8 File No. _____, will serve the public necessity, convenience and general welfare for the
9 reasons set forth in Planning Commission Resolution No. _____ and incorporates those
10 reasons herein by reference.

11 (h) The Board of Supervisors finds that this General Plan amendment, as set forth
12 in the documents on file with the Clerk of the Board in Board File No. _____, is in
13 conformity with the General Plan and the eight priority policies of Planning Code Section
14 101.1 for the reasons set forth in Planning Commission Resolution No. _____. The Board
15 hereby adopts the findings set forth in Planning Commission Resolution No. _____ and
16 incorporates those findings herein by reference.

17
18 Section 2. The San Francisco General Plan is hereby amended by revising the text,
19 tables, and maps in the specified sections of the Housing Element, Urban Design Element,
20 Van Ness Avenue Area Plan, Chinatown Area Plan, Downtown Area Plan, and Northeastern
21 Waterfront Area Plan, as follows:

22 **Housing Element**

23 Map 6 – Generalized Permitted Housing Densities by Zoning Districts

24 Add this language under the legend:
25

1 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
2 *policies to permit general densities that are higher than shown here.*

3
4 Table I-58 - Generalized Permitted Housing Densities by Zoning Districts

5 Add this language to the bottom of table:

6 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
7 *policies to permit general densities that are higher than shown here.*

8
9 POLICY 7.7 Support housing for middle income households, especially through
10 programs that do not require a direct public subsidy *such as providing development incentives for*
11 *higher levels of affordability, including for middle income households.*

12
13 POLICY 11.3 Ensure growth is accommodated without substantially and adversely
14 impacting existing residential neighborhood character.

15 Accommodation of growth should be achieved without damaging existing residential
16 neighborhood character. In community plan areas, this means development projects should
17 adhere to adopted policies, design guidelines and community review procedures. In existing
18 residential neighborhoods, this means development projects should defer to the prevailing
19 height and bulk of the area, *while recognizing that the City may maintain neighborhood character*
20 *while permitting larger overall building mass for projects including more affordable units on-site.*

21 To ensure character is not impacted, the City should continue to use community
22 planning processes to direct growth and change according to a community-based vision. The
23 Planning Department should utilize residential design guidelines, neighborhood specific
24 design guidelines, and other documents describing a specific neighborhoods character as
25

1 guideposts to determine compatibility of proposed projects with existing neighborhood
2 character.

3 The Department should support the adoption of neighborhood-specific design
4 standards in order to enhance or conserve neighborhood character, provided those guidelines
5 are consistent with overall good-planning principles and help foster a more predictable, more
6 timely, and less costly pre-development process. To this end, the Department should develop
7 official procedures for submittal of neighborhood-initiated design guidelines, for review by
8 Department staff, and for adoption or endorsement.

9
10 POLICY 11.5 Ensure densities in established residential areas promote compatibility
11 with prevailing neighborhood character.

12 Residential density controls should reflect prevailing building types in established
13 residential neighborhoods. Particularly in RH-1 and RH-2 areas, prevailing height and
14 bulk patterns should be maintained to protect neighborhood character. Other strategies to
15 maintain and protect neighborhood character should also be explored, including
16 “neighborhood livability initiatives” that could examine guidelines and principles to preserve
17 what is beloved about the area. Such an initiative could result in strategies to
18 improve the appearance and accessibility of neighborhood commercial districts, or
19 neighborhood specific design guidelines for specific RH-1 and RH-2 neighborhoods. *Outside of*
20 *RH-1 and RH-2 neighborhoods, the City may maintain neighborhood character while permitting larger*
21 *overall building mass for projects including more affordable units on-site.*

22 23 **Urban Design Element**

24 Objective 3: Moderation of Major New Development To Complement The City Pattern,
25 The Resources To Be Conserved, And The Neighborhood Environment.

1 As San Francisco grows and changes, new development can and must be fitted in with
2 established city and neighborhood patterns in a complementary fashion. Harmony with
3 existing development requires careful consideration of the character of the surroundings at
4 each construction site. The scale of each new building must be related to the prevailing height
5 and bulk in the area, and to the wider effects upon the skyline, views and topographic form.
6 Designs for buildings on large sites have the most widespread effects and require the greatest
7 attention.*

8 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
9 *policies to permit projects heights that are several stories taller and building mass that is larger than*
10 *described here.*

12 Map 4 - Urban Design Guidelines for Height and Bulk Districts

13 Add additional bullet point in box at bottom of page:

14 *→To encourage greater levels of affordability on-site, the City may adopt affordable housing*
15 *policies to permit heights that are several stories taller than described here.*

16 *Refer to the Affordable Housing Bonus Program Design Guidelines.*

18 Map 5 - Urban Design Guidelines for Bulk of Buildings

19 Add additional bullet point in box at bottom of page:

20 *→To encourage greater levels of affordability on-site, the City may adopt affordable housing*
21 *policies to permit heights and bulk restrictions that are several stories taller than described here.*

22 *Refer to the Affordable Housing Bonus Program Design Guidelines.*

24 **Van Ness Avenue Area Plan**

25

1 Objective 1: Continue existing Commercial Use of the avenue and add a significant
2 increment of new housing. Redwood to Broadway

3 Although there are 18 buildings containing 980 dwelling units in this subarea most of
4 the buildings are in non-residential use.

5 This section of Van Ness Avenue is one of the few areas in the city where new housing
6 can be accommodated with minimal impacts on existing residential neighborhoods and public
7 services.

8 Some of the features that make the area attractive for medium density mixed use
9 development with high density housing are as follows:

10 This 16 block strip along Van Ness Avenue maintains a "central place" location and
11 identity. The area is close to the city's major employment center, is well-served by transit, has
12 well developed infrastructure (roadway, water, sewer and other public services), wide
13 roadway (93+ feet) and sidewalks (16+ feet), has continuous commercial frontage and
14 numerous attractive, architecturally outstanding buildings.

15 There are a number of large parcels which are substantially under-developed.

16 A height limitation of between 80 and 130 ft.* would allow sufficient development to
17 make feasible over time the construction of housing on under used parcels.

18 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
19 *policies to permit heights that are several stories taller than described here.*

20
21 POLICY 5.1 Establish height controls to emphasize topography and adequately frame
22 the great width of the Avenue.

23 Existing height limits on the Avenue range from 40 feet at the northern end to 130 feet
24 in the central portion. This height differentiation responds to topographic conditions as well as
25 land use patterns, maintaining distinctions between areas of different character. For example,

1 height districts are gradually tapered from 130 feet around the hilltop at Washington Street to
2 80 feet at Pacific Avenue and further to 65 and 40 feet towards the Bay shoreline. Although
3 the majority of existing height controls are adequate to define both the overall topography as
4 well as the great width of the Avenue, the height limit between California and Pacific Streets
5 should be lowered from the existing 130/105-ft. level to 80 ft. in order to facilitate the transition
6 between the greater building heights along the southern part of the Avenue and the mostly
7 low-rise residential development north of Broadway. Development to maximum height should
8 be closely monitored to avoid blocking views between the high slopes on both sides of the
9 Avenue. Good proportion between the size of a street and that of its buildings is important for
10 streets to be interesting and pleasant places. The proposed height limits, combined with the
11 Van Ness Plan's proposed bulk controls, encourage definition of the 93-foot wide Avenue.*

12 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
13 *policies to permit heights that are several stories taller than described here.*

14
15 Policy 5.3 Continue the street wall heights as defined by existing significant buildings
16 and promote an adequate enclosure of the Avenue.

17 New construction on Van Ness Avenue can occur in two basic situations. In some
18 cases, the development will take place between or adjacent to architecturally significant
19 buildings. In this instance, continuity of design and scale between the old and the new is of
20 major importance. In other cases, new development will take place in a more isolated design
21 context; for example, between two existing two-story, non-descript commercial structures. In
22 this instance, the overall continuity of scale along the Avenue is of greater importance than
23 the design character of adjacent buildings. Setbacks of up to 20 feet in depth should be
24 considered for all new development above 40 feet in height and should be required whenever
25 necessary to continue existing significant street wall heights and to define an adequate

1 enclosure of the Avenue*. Setbacks can also serve to buffer the upper-level residential units
2 from street-level noise.

3 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
4 *policies to permit heights that are several stories taller and building mass that is larger than described*
5 *here.*

6
7 Map 1 - Van Ness Avenue Area Plan and Generalized Land Use and Density Plan

8 Add following asterisk to bottom of page:

9 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
10 *policies to permit heights that are several stories taller and building mass that is larger than described*
11 *here.*

12
13 Map 2 - Van Ness Avenues Area Plan Height and Bulk Districts Map

14 Add following asterisk to bottom of page:

15 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
16 *policies to permit heights that are several stories taller and building mass that is larger than described*
17 *here.*

18
19 **Chinatown Area Plan**

20 POLICY 1.1 Maintain the low-rise scale of Chinatown's buildings.

21 Although adjacent to Downtown, Chinatown is not the appropriate setting for tall
22 buildings. Seventy five percent of the structures in Chinatown are three stories or less in
23 height. Height districts in the Planning Code should be based on the generalized height plan
24 below.* Requiring setbacks for new buildings above three stories will help achieve a
25 complementary scale.

1 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
2 *policies to permit heights that are several stories taller and building mass that is larger than described*
3 *here.*

4
5 Map 1 - Chinatown Area Plan Generalized Height Plan

6 Add following asterisk to bottom of map:

7 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
8 *policies to permit heights that are several stories taller and building mass that is larger than described*
9 *here.*

10
11 Map 3 - Chinatown Area Plan Land Use and Density Plan

12 **Add following asterisk to bottom of map:**

13 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
14 *policies to permit heights that are several stories taller and building mass that is larger than described*
15 *here.*

16
17 **Downtown Area Plan**

18 Map 1 – Downtown Land Use and Density Plan

19 Add additional bullet in ‘Map to be edited’ box:

20 *-To encourage greater levels of affordability on-site, the City may adopt affordable housing*
21 *policies to permit heights that are several stories taller and building mass that is larger than described*
22 *here.*

23
24 Map 5 - Downtown Area Plan Downtown Height and Bulk Districts

25 Add additional bullet in ‘Map to be edited’ box:

1 -To encourage greater levels of affordability on-site, the City may adopt affordable housing
2 policies to permit heights that are several stories taller and building mass that is larger than described
3 here.

4
5 **Northeastern Waterfront Area Plan**

6 Objective 10: To develop the full potential of the northeastern waterfront in accord with
7 the unusual opportunities presented by its relation to the bay, to the operating port, fishing
8 industry, and downtown; and to enhance its unique aesthetic qualities offered by water,
9 topography, views of the city and bay, and its historic maritime character

10 Policy 10.26: Restrict development south of Broadway to the Height and Bulk Districts
11 shown on Map 2.*

12 *To encourage greater levels of affordability on-site, the City may adopt affordable housing
13 policies to permit heights that are several stories taller than described here.

14
15 Map 2 Northeast Waterfront Area Plan Height and Bulk Plan (Map 2)

16 Add following asterisk under legend:

17 *To encourage greater levels of affordability on-site, the City may adopt affordable housing
18 policies to permit heights that are several stories taller than described here.

19
20 Policy 26.27 Change the Height and Bulk District on Block 3743 from 84-E to 40-X.
21 Change the Height and Bulk District on the rest of the Rincon Park Site to open space.*

22 *To encourage greater levels of affordability on-site, the City may adopt affordable housing
23 policies to permit heights that are several stories taller than described here.

1 Policy 30.18: Develop housing in small clusters of 100 to 200 units. Provide a range of
2 building heights with no more than 40 feet in height along the Embarcadero and stepping up
3 in height on the more inland portions to the maximum of 160 feet. In buildings fronting on
4 Brannan Street in the 160 foot height area, create a strong base which maintains the street
5 wall created by the residential complex to the east and the warehouse buildings to the west.
6 Orient the mix of unit types to one and two bedrooms and include some three and four
7 bedroom units. Pursue as the income and tenure goals, a mix of 20 percent low, 30 percent
8 moderate and 50 percent middle and upper income, and a mix of rental, cooperative, and
9 condominium units.*

10 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
11 *policies to permit heights that are several stories taller than described here.*

12
13 Policy 30.22: Do not permit buildings to exceed 65 percent coverage of land or parking
14 podium. To the maximum extent feasible, provide open space at ground level and provide
15 planting in the ground. Ensure that any open space on top of a podium provides easy
16 pedestrian and visual transition from the sidewalk.*

17 **To encourage greater levels of affordability on-site, the City may adopt affordable housing*
18 *policies to permit heights that are several stories taller than described here.*

19
20 Section 3. The Board of Supervisors hereby approves the following amendments to
21 the General Plan Land Use Index:

22 The Land Use Index shall be updated as necessary to reflect the amendments set forth
23 in Section 2, above.

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

5 Section 5. Operative Date. This ordinance shall not become operative unless and until
6 the Affordable Housing Bonus Program, Ordinance _____ in Board file _____ or any
7 part thereof becomes effective.

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

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 AUDREY WILLIAMS PEARSON
19 Deputy City Attorney

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

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

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By:



16 SUSAN CLEVELAND-KNOWLES
17 Deputy City Attorney

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