

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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