

File No. 150532

Committee Item No. 5
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 15, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date June 11, 2015

Completed by: _____ Date _____

1 [Interim Zoning Controls - Conditional Use Requirement for Residential Mergers]

2

3 **Resolution imposing interim zoning controls to require conditional use authorization**
4 **for any residential merger, including mergers of both legal and illegal existing units;**
5 **and making environmental findings, including findings of consistency with the eight**
6 **priority policies of Planning Code, Section 101.1.**

7

8 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning
9 controls to accomplish several objectives, including preservation of residential and mixed
10 residential and commercial areas in order to preserve the existing character of such
11 neighborhoods and areas; development and conservation of the commerce and industry of
12 the City in order to maintain the economic vitality of the City, provide its citizens with adequate
13 jobs and business opportunities, and maintain adequate services for its residents, visitors,
14 businesses and institutions; control of uses that have an adverse impact on open space and
15 other recreational areas and facilities; control of uses that generate an adverse impact on
16 pedestrian and vehicular traffic; and control of uses that generate an adverse impact on public
17 transit; and

18 WHEREAS, Policy 2.2 of the City's 2009 Housing Element states that "all proposals to
19 merge units should be carefully considered within the local context and housing trends to
20 assure that the resulting unit responds to identified housing needs, rather than creating fewer,
21 larger and more expensive units;" and

22 WHEREAS, In California Government Code, Section 65852.150, the Legislature
23 declared that second units are a valuable form of housing in California because they "provide
24 housing for family members, students, the elderly, in-home health care providers, the
25 disabled, and others, at below market prices within existing neighborhoods" and that

1 "homeowners who create second units benefit from added income, and an increased sense of
2 security;" and

3 WHEREAS, Policy 1.5 of the City's 2009 Housing Element states that secondary units
4 in existing residential buildings "represent a simple and cost-effective method of expanding
5 the City's housing supply;" and

6 WHEREAS, Mayor Lee's Executive Directive 13-01, "Housing Production and
7 Preservation of Rental Stock" created a Working Group to make recommendations "to
8 preserve and promote rental housing in San Francisco;" and

9 WHEREAS, The Working Group convened to implement Executive Directive 13-01, on
10 Housing Production and the Protection of Rental Stock, recommended that "If a property
11 owner seeks to remove an illegal dwelling unit, require the submittal of findings that outline
12 why they are removing, rather than legalizing, the dwelling-unit;" and

13 WHEREAS, In 2014, the Board of Supervisors adopted ordinance No. 43-14 to provide a
14 process for property owners to authorize one existing dwelling unit that was constructed
15 without the required permits in an existing building; and

16 WHEREAS, On April 29, 2015, the Board of Appeals adopted a resolution that stated,
17 "as San Francisco works to address a housing shortage, the Board of Appeals has
18 experienced an increase in appeals of permits obtained by landlords seeking to remove
19 residential units, including units that were created without the benefit of permits ("illegal
20 units");" and

21 WHEREAS, Policy 3 of the eight priority policies of the City's General Plan and
22 Planning Code, Section 101.1 establishes a policy "That the City's supply of affordable
23 housing be preserved and enhanced;" and

24 WHEREAS, Adoption of these interim controls will allow the Board of Supervisors time
25 to consider whether to adopt permanent controls for Residential Mergers; and

1 WHEREAS, The Board has considered the impact on the public health, safety, peace,
2 and general welfare if the interim controls proposed herein are not imposed; and

3 WHEREAS, The Board has determined that the public interest will be best served by
4 imposition of these interim controls at this time, to ensure that the legislative scheme that may
5 be ultimately adopted is not undermined during the planning and legislative process for
6 permanent controls; and

7 WHEREAS, Planning Code, Section 306.7 requires consideration of the following
8 objectives when determining whether to impose interim controls:

- 9 (1) Preservation of historic and architecturally significant buildings and areas;
- 10 (2) Preservation of residential neighborhoods;
- 11 (3) Preservation of neighborhoods and areas of mixed residential and commercial
12 uses in order to preserve the existing character of such neighborhoods and areas;
- 13 (4) Preservation of the City's rental housing stock;
- 14 (5) Development and conservation of the commerce and industry of the City in order
15 to maintain the economic vitality of the City, to provide its citizens with adequate jobs and
16 business opportunities, and to maintain adequate services for its residents, visitors,
17 businesses and institutions;
- 18 (6) Control of uses which have an adverse impact on open space and other
19 recreational areas and facilities;
- 20 (7) Control of uses which generate an adverse impact on pedestrian and vehicular
21 traffic; and

22 (8) Control of uses which generate an adverse impact on public transit; and

23 WHEREAS, Adoption of these interim controls will ensure that objectives 2, 3, 4 and 5
24 above are met by considering the loss of potentially important housing stock—including
25 smaller units, rent controlled units and unconventional, potentially unpermitted secondary

1 units that are more affordable by their nature and can now be legalized—that could have an
2 adverse effect on the cultural and economic diversity that is essential to the character of San
3 Francisco’s neighborhoods and commercial corridors; and

4 WHEREAS, The Planning Department has determined that the actions contemplated in
5 this Resolution are in compliance with the California Environmental Quality Act (California
6 Public Resources Code, Section 21000 et. seq.). Said determination is on file with the Clerk
7 of the Board of Supervisors in File No. 150532 and is hereby affirmed and incorporated by
8 reference as though fully set forth; now, therefore, be it

9 RESOLVED, That a conditional use permit shall be required for all residential mergers,
10 as defined in Planning Code, Section 317, for both legal and illegal existing residential units;
11 and, be it

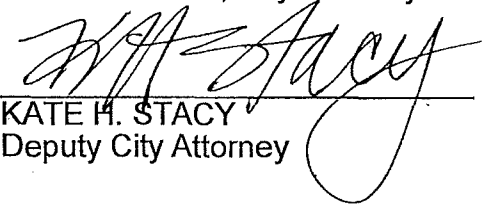
12 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
13 months from the effective date of this Resolution, or until the adoption of permanent legislation
14 requiring conditional use authorization for residential mergers, whichever first occurs; and, be
15 it

16 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
17 with Policies 2 and 3 of the Priority Policies set forth in Planning Code, Section 101.1, in that
18 they require the Planning Commission to consider the merits of any proposed residential
19 mergers and any potential adverse impact on the cultural and economic diversity of San
20 Francisco neighborhoods—in particular through the elimination of rent controlled housing
21 units or unconventional, potentially unpermitted housing units that are affordable by nature
22 and can now be legalized; and, be it

23 FURTHER RESOLVED, With respect to Priority Policies 1, 4, 5, 6, 7 and 8, the Board
24
25

1 finds that these interim zoning controls do not, at this time, have an effect upon these policies,
2 and thus will not conflict with said policies.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 KATE H. STACY
8 Deputy City Attorney

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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

June 10, 2015

File No. 150532

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 19, 2015, Supervisor Avalos introduced the following legislation:

File No. 150532

Resolution imposing interim zoning controls to require conditional use authorization for any residential merger, including mergers of both legal and illegal existing units; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

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

MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development

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

DATE: June 10, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Avalos on May 19, 2015:

File No. 150532

Resolution imposing interim zoning controls to require conditional use authorization for any residential merger, including mergers of both legal and illegal existing units; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

If you have any additional 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.

c:
Eugene Flannery, Secretary
Sophie Hayward, Policy and Legislative Affairs

BOARD of SUPERVISORS



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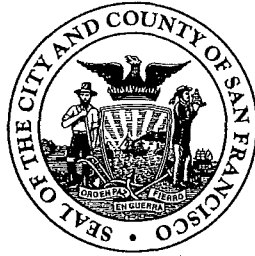
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By: Andrea Ausberry, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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1 Dr. Carlton B. Goodlett Place, Room 244
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Tel. No. 554-5184
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TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

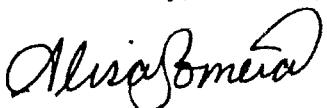
Date: Monday, June 15, 2015

Time: 1:30 p.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 150532. Resolution imposing interim zoning controls to require conditional use authorization for any residential merger, including mergers of both legal and illegal existing units; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.



In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 12, 2015.


for Angela Calvillo, Clerk of the Board

DATED: June 3, 2015
POSTED/PUBLISHED: June 5, 2015

**BOS
NOTICE REVIEW**

Legislative File No. 150532
Interim Zoning Controls - Conditional Use Requirement for Residential Mergers

Initial:  Initial: 
Date: June 1, 2015

Publishing Logistics

Hearing Date: Jun 15
Notice Must be Submitted: Jun 3
Notice Must be Mailed: N/A
Notice Will Publish: June 5

**New
Order**



Your Order is sent.

Customer Information

Customer Name	S.F. BD OF SUPERVISORS (NON-CONSECUTIVE)	Master Id	52704
Address	1 DR CARLTON B GOODLETT PL #244	Phone	4155547704
City	SAN FRANCISCO	Fax	4155547714
State - Zip	CA - 94102		

Product Information

Legal GOVERNMENT - GOVT PUBLIC NOTICE

Order Information

Attention Name Andrea A.

Billing Reference No.

Ad Description LU Interim Zoning Control 150532

Sale/Hrg/Bid Date

Special Instructions

Orders Created

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
2759486	SAN FRANCISCO EXAMINER 10%, CA Billed To: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) Created For: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	06/05/2015	Depth : 5.06" Lines : 61	\$3.75 61 lines * 1 Inserts[\$228.75] \$ 10% set aside [-\$-22.88]	\$205.87	Sent
Order No.	Newspaper			View		
2759486	SAN FRANCISCO EXAMINER 10%			View Ad In PDF		

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE JUNE 15, 2015 - 1:30 PM COMMITTEE ROOM 263 , CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150532. Resolution imposing interim zoning controls to require conditional use authorization for any residential merger, including mergers of both legal and illegal existing units; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is

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Angela Calvillo, Clerk of the Board

NOTICE OF PUBLIC
HEARING BOARD OF
SUPERVISORS OF THE
CITY AND COUNTY OF
SAN FRANCISCO LAND
USE AND TRANSPORTA-
TION COMMITTEE JUNE
15, 2015 - 1:30 PM
COMMITTEE ROOM 263,
CITY HALL 1 DR. CARL-
TON B. GOODLETT
PLACE, SF, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150532, Resolution imposing interim zoning controls to require conditional use authorization for any residential merger, including mergers of both legal and illegal existing units; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 12, 2015. Angela Calvillo, Clerk of the Board

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

ORIG. Ln Clerk
BOS-11, B-OS-aides
COB, Leg Dep, Dep A,
Mkgrs
offrce

London Breed

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
JUN 11 AM 11:25
AK

PRESIDENTIAL ACTION

Date: 6/11/15

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 150532 Avalos
(Primary Sponsor)

Title. imposing interim zoning controls to require co

Transferring (Board Rule No. 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Rec'd in BOARD 5-19-15
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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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 a Imperative

Sponsor(s):

Avalos

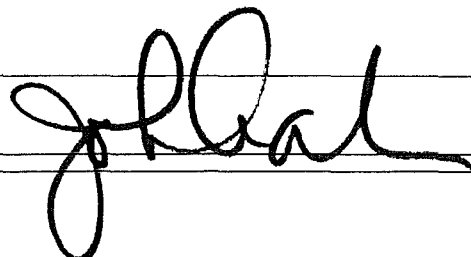
Subject:

Resolution - Interim Zoning Controls - Conditional Use Requirement for Residential Mergers

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

