

File No. 150532

Committee Item No. 5

Board Item No. 22

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 15, 2015

Board of Supervisors Meeting

Date JUN. 23, 2015

#### Cmte Board

|                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" 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 \_\_\_\_\_



AMENDED IN COMMITTEE

6/15/15

FILE NO. 150532

RESOLUTION NO.

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

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

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

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

WHEREAS, In California Government Code, Section 65852.150, the Legislature declared that second units are a valuable form of housing in California because they "provide housing for family members, students, the elderly, in-home health care providers, the 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, Policy 3 of the eight priority policies of the City's General Plan and  
10 Planning Code, Section 101.1 establishes a policy "That the City's supply of affordable  
11 housing be preserved and enhanced;" and

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

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

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

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

22 (1) Preservation of historic and architecturally significant buildings and areas;

23 (2) Preservation of residential neighborhoods;

24 (3) Preservation of neighborhoods and areas of mixed residential and commercial  
25 uses in order to preserve the existing character of such neighborhoods and areas;



1 (4) Preservation of the City's rental housing stock;

2 (5) Development and conservation of the commerce and industry of the City in order  
3 to maintain the economic vitality of the City, to provide its citizens with adequate jobs and  
4 business opportunities, and to maintain adequate services for its residents, visitors,  
5 businesses and institutions;

6 (6) Control of uses which have an adverse impact on open space and other  
7 recreational areas and facilities;

8 (7) Control of uses which generate an adverse impact on pedestrian and vehicular  
9 traffic; and

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

11 WHEREAS, Adoption of these interim controls will ensure that objectives 2, 3, 4 and 5  
above are met by considering the loss of potentially important housing stock—including  
13 smaller units, rent controlled units and unconventional units that are more affordable by their  
14 nature that could have an adverse effect on the cultural and economic diversity that is  
15 essential to the character of San Francisco's neighborhoods and commercial corridors; and

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

21 RESOLVED, That a conditional use permit shall be required for all residential mergers,  
22 as defined in Planning Code, Section 317, for existing residential units; and, be it

23 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen  
24 months from the effective date of this Resolution, or until the adoption of permanent legislation





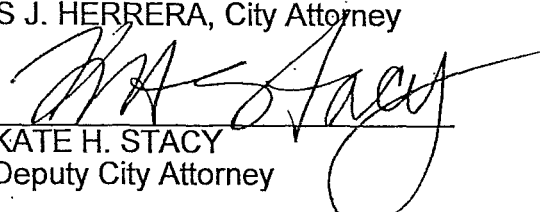
1 requiring conditional use authorization for residential mergers, whichever first occurs; and, be  
2 it

3 FURTHER RESOLVED, That these interim zoning controls advance and are consistent  
4 with Policies 2 and 3 of the Priority Policies set forth in Planning Code, Section 101.1, in that  
5 they require the Planning Commission to consider the merits of any proposed residential  
6 mergers and any potential adverse impact on the cultural and economic diversity of San  
7 Francisco neighborhoods—in particular through the elimination of rent controlled housing  
8 units or unconventional housing units that are affordable by nature; and, be it

9 FURTHER RESOLVED, With respect to Priority Policies 1, 4, 5, 6, 7 and 8; the Board  
10 finds that these interim zoning controls do not, at this time, have an effect upon these policies,  
11 and thus will not conflict with said policies.

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

15 By:

16   
KATE H. STACY  
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, 4<sup>th</sup> 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 "Andrea 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.

**Joy**  
**Navarrete**

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2015.06.12 08:07:46 -07'00'



BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
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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

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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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By: Andrea Ausberry, Assistant Clerk

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

BOARD of SUPERVISORS



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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:   
Date: \_\_\_\_\_

Initial: 

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

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

### Product Information

Legal GOVERNMENT - GOVT PUBLIC NOTICE

### Order Information

**Attention Name** Andrea A.

**Billing  
Reference  
No.**

Save

**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<br><b>Billed To:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)<br><b>Created For:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) | 06/05/2015                 | <b>Depth :</b> 5.06"<br><b>Lines :</b> 61 | <b>\$3.75 61 lines * 1 Inserts[\$228.75]<br/>\$ 10% set aside [\$-22.88]</b> | <b>\$205.87</b> | 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**

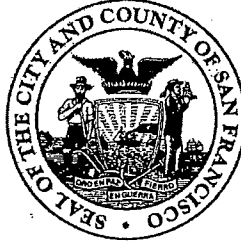
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available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 12, 2015.  
Angela Calvillo, Clerk of the Board

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

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President, District 5  
BOARD of SUPERVISORS



London Breed

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, E. n.  
Majors  
off free

### 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*

London Breed, President  
Board of Supervisors

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Rcd 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**

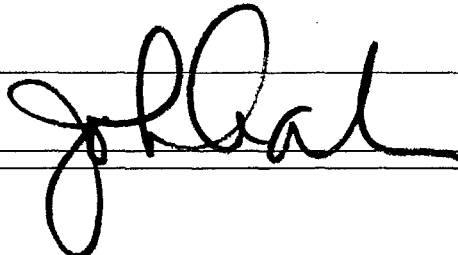
**Sponsor(s):**

Avalos

**Subject:**

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

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**

