



SAN FRANCISCO PLANNING DEPARTMENT

September 1, 2016

Ms. Angela Calvillo, Clerk
Honorable Supervisor Yee
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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San Francisco,
CA 94103-2479

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Planning
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415.558.6377

Re: **Transmittal of Planning Department Case Number 2016-006221MAP
Rezoning Midtown Terrace from RH-1 to RH-1(D)
Board File No. 160426
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Yee,

On August 11, 2016, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance, introduced by Supervisor Yee that would rezone the Midtown Terrace Neighborhood from RH-1 to RH-1(D) and rezone 70 Skyview Way from P (Public) to RH-1(D). At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", with a long horizontal flourish extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:
Audrey W. Pearson, Deputy City Attorney
Jen Low, Aide to Supervisor Yee
Alisa Somera, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment

HEARING DATE: AUGUST 11, 2016
EXPIRATION DATE: OCTOBER 24, 2016

Project Name: **Rezoning Midtown Terrace**
Case Number: **2016-006221PCA** [Board File No. 160426]
Initiated by: Supervisor Yee / Introduced April 26, 2016,
Reintroduced July 26, 2016
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

Ordinance amending the Planning Code by revising the Zoning Map to rezone Midtown Terrace neighborhood from RH-1 to RH-1(D) (all lot numbers in Assessor's Block Nos. 2780, 2783, 2784, 2785, 2786, 2787, , 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2820, 2822, 2822A, 2822B, 2823, 2823A, 2823B, 2823C, 2824, 2825, 2833, 2834, 2835, 2836; all lots in Block 2643B except lots 5 and 8; all lots in Block 2781 except lot 22; all lots in Block 2782 except lot 27; all lots in Block 2788 except lot 27; all lots in Block 2789 except lot 29; and lots 1, 2, 9, 12, 13, 14, 15, 16, 17, 23, and 24 of Assessor's Block 2821, from their current designation as Residential, House: One-Family (RH-1) to Residential, House: One-Family (Detached Dwellings) (RH-1(D)); and revising the Zoning Map to rezone Lot number 8 in Assessor's Block No. 2643B from its current designation as Public to RH-1(D))

The Way It Is Now:

1. The Midtown Terrace Neighborhood is currently zoned RH-1 (Residential House, One Family)/40-X.
2. Lot 8 in Assessor's block 2643B (70 Skyview Way) is zoned P (Public)/40-X

The Way It Would Be:

1. The Midtown Terrace Neighborhood would be zoned RH-1(D) (Residential House, One Family, Detached)/40-X.
2. Lot 8 in Assessor's Block 2643B (70 Skyview Way) would be zoned RH-1(D) (Residential House, One Family, Detached)/40-X.

ISSUES AND CONSIDERATIONS

History

The land occupied by Midtown Terrace (approximately 150 acres) was once part of Rancho San Miguel, a large 4,400-acre parcel originally granted in 1846 to Don Jose de Jesus Noe, the first mayor of Yerba Buena. The land then changed hands several times, with ownership eventually being acquired by Adolph Sutro, a prominent engineer and developer and San Francisco's mayor from 1894 to 1896. To transform its "bleak" appearance, Sutro had eucalyptus trees planted on a significant portion of his property, which eventually became Sutro Forest. After Sutro's death in 1898, family squabbles and legal battles ensued over the land. His heirs eventually sold the area to developers and the various West of Twin Peaks neighborhoods began to take shape, being built on the "City Beautiful" concept of landscaped residential parks featuring detached single family homes.¹

The Neighborhood

Midtown Terrace is a neighborhood in central San Francisco, on the western slope of Twin Peaks. It was developed in the late 1950s through the 1960s and features two-story, detached, single-family homes arranged in rows on terraced streets. The homes are rendered in various modern vernacular styles, and typically have landscaped front setbacks. The neighborhood's suburban character is reinforced by the open space that surrounds the neighborhood. Clarendon Avenue where it joins Twin Peaks Boulevard borders the neighborhood on the north and west. Panorama Drive winds through the neighborhood. Portola Drive borders the neighborhood's southern edge. Sutro Tower is on the northern side of Midtown Terrace, and the winding portion of Twin Peaks Boulevard that takes viewers to the Twin Peaks lookout forms the neighborhood's eastern edge. The Midtown Terrace Recreation Center is on Olympia Way at Clarendon.

The lots in the area are wider and larger than a typical San Francisco lot. A standard lot width in San Francisco is 25 feet, and most lots in Midtown Terrace measure 33 feet wide, while the curvilinear street pattern creates larger corner lots with significantly more street frontage than typical. Lots are also much larger than the typical San Francisco lot, which is 2,500 sq. ft. The average lot size for the Midtown Terrace neighborhood is 3,798 sq. ft., and only 7 lots are 2,500 sq. ft. or smaller.

70 Skyview Way

This property is currently developed with a single-family, two-story detached home constructed in 1962. The lot is currently zoned P (Public), which specifically does not allow housing. Directly adjacent to this property is another lot that is also zoned P, and is occupied by a pump station owned by the Recreation and Parks Department. The subject property also abuts public open space. It's not clear how 70 Skyview Way was able to be developed with a single-family home with its current zoning designation; however it's likely that the property was developed along with the other homes in the area and the P designation was a clerical error that went unnoticed. The proposed ordinance would fix this error by rezoning it from P to RH-1(D).

¹Bell, Rex. "A Brief History of Midtown Terrace." <http://www.outsidelands.org/midtown-terrace.php>. Web 7/26/2016

RH-1(D) Districts

RH-1(D) districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas.

RH-1 vs. RH-1(D)

1. The primary difference between RH-1 and RH-1(D) is that the latter requires a side setback for lots that are 28 feet and wider. The width of the side setback depends on width of lot. Per Section 133 of the Planning Code, minimum side yards are required as follows:
 - For lots with a width of less than 28 feet: none;
 - For lots with a width of 28 feet or more but less than 31 feet: one side yard equal to the amount by which the lot width exceeds 25 feet, or the same total amount in the form of two side yards, one of which shall be at least three feet;
 - For lots with a width of 31 feet or more but less than 40 feet: two side yards each of three feet
 - For lots with a width of 40 feet or more but less than 50 feet: two side yards each of four feet;
 - For lots with a width of 50 feet or more: two side yards each of five feet.
2. RH-1 zoning districts lots can have up to one unit for every 3,000 sq. ft. of lot area with Conditional Use authorization. RH-1(D) lots can only have one unit no matter how large the lot is.
3. While RH-1(D) lots are excluded from the City's ADU program, RH-1(D) properties are permitted to have ADUs under the State's ADU program (Section 65852.2 of the California Government Code). In some cases the State's ADU program is more permissive because it allows dwelling units to be expanded in order to add ADUs; it does not have a prohibition on using existing living space to add an ADU; and it allows new detached structures for ADUs so long as the new structure complies with local height and setback requirements. It does have a size limit of 1,200 sq. ft. for detached ADUs- the City's program does not have a numeric size limit, but also doesn't allow new structures to be built for detached ADUs- and the State limits additions to existing structures to 30% of the existing living area when adding an ADU.
4. RH-1(D) lots are also required to be 33 feet wide, whereas RH-1 lots, like all other lots in the City, have a 25 foot width requirement.
5. RH-1(D) lots have a minimum lot area of 4,000 square feet; RH-1 district, like all other districts in the city, have a minim lot area of 2,500. To note, not all properties in RH-1 District comply with the minimum lot size and not all RH-1(D) District comply with the minimum lot size. Minimum lot sizes are used to prohibit subdivisions that would result in uncharacteristically small lots for the district. Not meeting the minim lot size does not prevent someone from developing their property or expanding their home.

IMPLEMENTATION

The Department has determined that this ordinance will not impact our current implementation procedures.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Department is recommending approval of the proposed ordinance for the following reasons:

1. The existing neighborhood character fits within the definition of RH-1(D) district because the neighborhood was developed as a single development with detached, single-family homes. This character remains intact today. The average lot size is significantly larger than the average lot size in RH-1 Districts, the lots are wider than average, and the development is made up of two-story, single-family, detached homes with landscaped front setbacks.
2. The proposed rezoning would not significantly downzone the area. While rezoning to RH-1(D) would eliminate the possibility of having two units per lot if there was more than 6,000 sq. ft. of lot area, only 28 properties, or about 3.5% of the total number of lots, could have taken advantage of this. Further, some of these lots have enough width to be subdivided into two lots, and RH-1(D) districts are eligible to add ADUs under the State ADU program. The State's ADU program allows more flexibility for ADUs than the City's program.
3. This ordinance came about as a request for the Upper Terrace Neighborhood, and the Department understands that there is significant public support for the rezoning.
4. The proposed ordinance will bring the zoning of 70 Skyview Way into compliance with the existing use.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department received one phone call asking for clarification on the rezoning of 70 Skyview Way from P to RH-1(D). The caller also expressed support for the overall project.

RECOMMENDATION:	Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit C: Map of Midtown Terrace
- Exhibit B: Board of Supervisors File No. 160426



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19725

HEARING DATE AUGUST 11, 2016

Project Name: Rezoning Midtown Terrace
Case Number: 2016-006221MAP [Board File No. 160426]
Initiated by: Supervisor Yee / Introduced April 26, 2016,
Reintroduced July 26, 2016
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY REVISING THE ZONING MAP TO REZONE MIDTOWN TERRACE NEIGHBORHOOD FROM RH-1 TO RH-1(D) (ALL LOT NUMBERS IN ASSESSOR'S BLOCK NOS. 2780, 2783, 2784, 2785, 2786, 2787, , 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2820, 2822, 2822A, 2822B, 2823, 2823A, 2823B, 2823C, 2824, 2825, 2833, 2834, 2835, 2836; ALL LOTS IN BLOCK 2643B EXCEPT LOTS 5 AND 8; ALL LOTS IN BLOCK 2781 EXCEPT LOT 22; ALL LOTS IN BLOCK 2782 EXCEPT LOT 27; ALL LOTS IN BLOCK 2788 EXCEPT LOT 27; ALL LOTS IN BLOCK 2789 EXCEPT LOT 29; AND LOTS 1, 2, 9, 12, 13, 14, 15, 16, 17, 23, AND 24 OF ASSESSOR'S BLOCK 2821, FROM THEIR CURRENT DESIGNATION AS RESIDENTIAL, HOUSE: ONE-FAMILY (RH-1) TO RESIDENTIAL, HOUSE: ONE-FAMILY (DETACHED DWELLINGS) (RH-1(D)); AND REVISING THE ZONING MAP TO REZONE LOT NUMBER 8 IN ASSESSOR'S BLOCK NO. 2643B FROM ITS CURRENT DESIGNATION AS PUBLIC TO RH-1(D); ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on July 26, 2016 Supervisors Yee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 160426, which would amending the Planning Code by revising the Zoning Map to rezone Midtown Terrace neighborhood from RH-1 to RH-1(D); and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on August 11, 2016; and,

WHEREAS, The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission finds that existing neighborhood character fits within the definition of RH-1(D) district because the neighborhood was developed as a single development with detached, single-family homes. This character remains intact today. The average lot size is significant larger than the average lot size in RH-1 Districts, the lots are wider than average, and the development is made up of two-story, single-family, detached homes with landscaped front setbacks.
2. The Commission finds that the proposed rezoning would not significantly downzone the area. While rezoning to RH-1(D) would eliminate the possibility of having two units per lot if there was more than 6,000 sq. ft. of lot area, only 28 properties, or about 3.5% of the total number of lots, could have taken advantage of this. Further, some of these lots have enough width to be subdivided into two lots, and RH-1(D) districts are eligible to add ADUs under the State ADU program. The State's ADU program allows more flexibility for adding ADUs than the City's program.
3. The Commission finds that there is significant public support for the rezoning.
4. The Commission finds that the proposed ordinance will bring the zoning of 70 Skyview Way into compliance with the existing use.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

POLICY 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

POLICY 11.5

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

POLICY 11.9

Foster development that strengthens local culture sense of place and history.

The proposed rezoning is consistent with the existing character of the neighborhood; the proposed density will be in character with the prevailing neighborhood character; and the proposed rezoning will maintain the historic development pattern of the Midtown Terrace neighborhood strengthening the neighborhood's sense of place and history.

6. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would help preserve existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 11, 2016.



Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Hillis, Richards, and Moore

NOES: None

ABSENT: Johnson and Wu

ADOPTED: August 11, 2016