

File No. 160960

Committee Item No. 2

Board Item No. 1

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date October 3, 2016

Board of Supervisors Meeting

Date October 25, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (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 |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 19741</u> |
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Completed by: Alisa Somera Date September 29, 2016

Completed by: *V. Young* Date 10/11/16

1 [Planning Code - Temporary Homeless Shelters in Certain Industrial and Mixed-Use Districts]
2
3 **Ordinance amending the Planning Code to allow temporary Homeless Shelters in the**
4 **Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the**
5 **Service/Arts/Light Industrial zoning districts, subject to conditional use authorization;**
6 **affirming the Planning Commission's determination under the California Environmental**
7 **Quality Act; making findings of public convenience, necessity, and welfare under**
8 **Planning Code, Section 302; and making findings of consistency with the General Plan,**
9 **and the eight priority policies of Planning Code, Section 101.1.**

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. Environmental and Land Use Findings.

19 (a) On September 22, 2016, after a duly noticed public hearing, the Planning
20 Commission, in Resolution No. 19741, adopted findings that the actions contemplated in this
21 ordinance are not, in and of themselves, subject to the California Environmental Quality Act
22 (CEQA) (California Public Resources Code Sections 21000 et seq.). A copy of said
23 Resolution is on file with the Clerk of the Board of Supervisors in File No. 160960, and is
24 incorporated herein by reference. The Board of Supervisors adopts these findings as its own.
25

1 (b) In Resolution No. 19741, the Planning Commission also adopted findings that the
2 actions contemplated in this ordinance are consistent, on balance, with the City's General
3 Plan and the eight priority policies of Planning Code Section 101.1. The Board of Supervisors
4 adopts these findings as its own.

5 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
6 amendments will serve the public necessity, convenience, and welfare for the reasons set
7 forth in Planning Commission Resolution No. 19741 and the Board of Supervisors
8 incorporates such reasons herein by reference.

9
10 Section 2. Additional Findings.

11 (a) A significant number of people in San Francisco cannot obtain adequate or
12 appropriate shelter. According to the San Francisco biennial "Point-in-Time" homeless count
13 and survey taken in January 2015, there were 6,686 adults and 853 youth without a place to
14 live, constituting a total of 7,539 homeless people. Between the January 2013 homeless
15 count and survey and the January 2015 homeless count and survey, the number of homeless
16 people rose in seven of the 11 San Francisco supervisorial districts. A 10-year trend of
17 comparable Point-in-Time data (excluding the targeted youth count) identified a 7% increase
18 in the number of homeless people in San Francisco between 2005 and 2015.

19 (b) As San Francisco's homeless population ages, additional health services are
20 needed to address the homeless population's deteriorating health. According to the January
21 2015 homeless count and survey, 22% of the homeless were between the ages of 51 and 60,
22 up from 14% in 2013, and 8% were 61 or older, up from 3% in 2013.

23 (c) The inability to obtain adequate or appropriate shelter threatens the health and
24 safety of homeless people. Homelessness is an independent risk factor for a number of
25 illnesses through its association with exposure to harsh weather, high stress levels, sleep

1 deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and poor
2 nutrition. For example, sleep deprivation impairs cognitive processes and increases the risk
3 of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke,
4 and diabetes.

5 (d) The City has partnered and collaborated with community-based nonprofit
6 organizations serving homeless populations to develop and implement new strategies to
7 shelter and identify housing for difficult-to-serve homeless populations, including residents of
8 encampments, people who have not accessed the traditional shelter system, the long-term
9 homeless population, and Homeward Bound clients. Since 2015, the City has successfully
10 piloted the Navigation Center model, a temporary Homeless Shelter model that minimizes
11 barriers to participation and seeks to connect clients to stable income, public benefits, and
12 permanent housing outside of the Navigation Center. This ordinance would facilitate the
13 expansion of the Navigation Center model and the successful transition of difficult-to-serve
14 homeless populations to services and permanent housing.

15 (e) According to Administrative Code Chapter 106, the City is required to open and
16 operate no fewer than six Navigation Centers by July 31, 2018 (within 24 months of the July
17 31, 2016 effective date of Ordinance No. 117-16), develop plans for the equitable distribution
18 of shelter and housing resources, and identify sustainable revenue sources for the
19 development of new permanent housing for homeless individuals.

20 (f) This ordinance would amend the Planning Code to allow temporary Homeless
21 Shelter uses in the Production, Distribution, and Repair (PDR), the WSoMa Mixed Use-Office
22 (WMUO), and the Service/Arts/Light Industrial (SALI) zoning districts subject to conditional
23 use authorization.

Section 3. Section 210.3 of the Planning Code is hereby amended by revising Table 210.3, to read as follows:

Table 210.3					
ZONING CONTROL TABLE FOR PDR DISTRICTS					
Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
****	****	****	****	****	****
Homeless Shelter	§§ 102, 208	<i>NP C (18)</i>	<i>NP C (18)</i>	<i>NP C (18)</i>	<i>NP C (18)</i>
****	****	****	****	****	****

(18) In this District, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. In this District, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.

Section 4. Section 845 of the Planning Code is hereby amended by revising Table 845, including adding the portion entitled "Specific Provisions for WMUO Districts" at the end of the table, to read as follows:

Table 845	
WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE	

1	No.	Zoning Category	§ References	<u>WSOMA</u> Mixed Use-Office District
2				Controls
3	****	****	****	****
4	845.23b	Homeless Shelters	§§ 102, 890.88(d)	<u>NP_C#</u>
5	****	****	****	****

SPECIFIC PROVISIONS FOR WMUO DISTRICTS

<u>Article Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<p>8 <u>§ 845.23b</u></p> <p>9 <u>§ 890.88(d)</u></p>	<p>8 <u>§ 102</u></p>	<p>8 <u>In this District, Homeless Shelter uses are permitted</u></p> <p>9 <u>only with Conditional Use authorization and only if</u></p> <p>10 <u>each such use (a) would operate for no more than four</u></p> <p>11 <u>years, and (b) would be owned or leased by, operated</u></p> <p>12 <u>by, and/or under the management or day-to-day</u></p> <p>13 <u>control of the City and County of San Francisco. If</u></p> <p>14 <u>such a use is to be located within a building or</u></p> <p>15 <u>structure, the building or structure must be either (a)</u></p> <p>16 <u>preexisting, having been completed and previously</u></p> <p>17 <u>occupied by a use other than a Homeless Shelter, or (b)</u></p> <p>18 <u>temporary. In this District, construction of a</u></p> <p>19 <u>permanent structure or building to be used as a</u></p> <p>20 <u>Homeless Shelter is not permitted.</u></p>

Section 5. Section 846 of the Planning Code is hereby amended by revising Table 846, including the table entitled "Specific Provisions for SALI Districts," to read as follows:

Table 846

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SALI District Controls
****	****	****	****
<u>844.23b</u> <u>846.23b</u>	Homeless Shelters	§§ 102, 890.88(d)	<u>NP.C#</u>
****	****	****	****

SPECIFIC PROVISIONS FOR SALI DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
****	****	****
<u>§ 846.23b</u> <u>§ 890.88(d)</u>	<u>§ 102</u>	<i>In this District, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. In this District, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.</i>
****	****	****

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be

1 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
2 shall not affect the validity of the remaining portions or applications of the ordinance. The
3 Board of Supervisors hereby declares that it would have passed this ordinance and each and
4 every section, subsection, sentence, clause, phrase, and word not declared invalid or
5 unconstitutional without regard to whether any other portion of this ordinance or application
6 thereof would be subsequently declared invalid or unconstitutional.
7

8 Section 7. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 overrides the Mayor's veto of the ordinance.
12

13 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.
19

20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 

23 CHRISTOPHER T. TOM
24 Deputy City Attorney

25 n:\legana\as2016\1600712\01133636.docx

LEGISLATIVE DIGEST

[Planning Code - Temporary Homeless Shelters in Certain Industrial and Mixed-Use Districts]

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently, the Planning Code does not permit Homeless Shelter uses in the Production, Distribution, and Repair (PDR), the WSoMa Mixed Use-Office (WMUO), and the Service/Arts/Light Industrial (SALI) zoning districts.

Amendments to Current Law

The ordinance would amend the Planning Code to allow temporary Homeless Shelters to operate in the PDR, WMUO, and SALI zoning districts, subject to a conditional use authorization and only under the limited and specifically enumerated circumstances described below. Amendments would be made to Planning Code Tables 210.3 (PDR zoning control table), 845 (WMUO zoning control table), and 846 (SALI zoning control table).

If the ordinance is adopted, Homeless Shelter uses would be permitted in the PDR, WMUO, and SALI zoning districts under the following circumstances: 1) only with conditional use authorization, and 2) only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If a proposed Homeless Shelter use is to be located within a building or structure, the building or structure would have to be either (i) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (ii) temporary. Construction of a permanent structure or building to be used as a Homeless Shelter would not be permitted in the PDR, WMUO, and SALI zoning districts.

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

September 14, 2016

File No. 160960

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 6, 2016, Mayor introduced the following proposed legislation:

File No. 160960

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and 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 that reads "Alisa Somera".

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

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. Individual future projects that seek to establish temporary homeless shelters under the proposed amendments would be subject to CEQA on a case-by-case basis.

Attachment

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

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2016.09.20 11:02:49 -07'00'



SAN FRANCISCO PLANNING DEPARTMENT

September 28, 2016

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

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: **Transmittal of Planning Department Case Number 2016-011082PCA:
Temporary Homeless Shelters in PDR WMUO, and SALI Districts
Board File No. 160960
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Mayor Lee,

On September 22, 2016, the Planning Commission conducted duly noticed public hearing at regularly scheduled meetings to consider the proposed Ordinance, introduced by Mayor Lee, that would amend the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair (PDR), the Western SoMa Mixed Use-Office (WMUO), and the Service/Arts/Light Industrial (SALI) zoning districts subject to Conditional Use authorization. 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,

Aaron D. Starr
Manager of Legislative Affairs

cc:

Christopher T. Tom, Deputy City Attorney
Nichole Elliot, Director, Legislative & Government Affairs, Mayor's Office

Transmittal Materials

**CASE NO. 2016-011082PCA
Temporary Homeless Shelters**

Andrea Ausberry, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: SEPTEMBER 22, 2016
EXPIRATION DATE: DECEMBER 5, 2016

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Temporary Homeless Shelters in PDR WMUO, and SALI Districts
Case Number: 2016-011082PCA [Board File No. 160960]
Initiated by: Mayor Edwin Lee/ Introduced September 6, 2016
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Senior Policy Advisor
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **Recommend Approval**

PLANNING CODE AMENDMENT

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair (PDR), the Western SoMa Mixed Use-Office (WMUO), and the Service/Arts/Light Industrial (SALI) zoning districts subject to conditional use authorization

The Way It Is Now:

Homeless Shelters, temporary or permanent, are not permitted in PDR, WMUO, and SALI zoning Districts.

The Way It Would Be:

Temporary Homeless Shelters would be permitted in PDR, WMUO, and SALI zoning Districts with Conditional Use Authorization, only if the following conditions are met:

1. The Homeless Shelter would operate for no more than four years, and
2. The Homeless Shelter would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco.

Construction of a permanent structure or building in these districts to be used as a Homeless Shelter is not permitted. If such a use is to be located within a building or structure, the building or structure must be either preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or temporary.

BACKGROUND

On June 21, 2016 the Board of Supervisors passed an ordinance (Ordinance No. 117-16) that amended Administrative Code Chapter 106, to require the City to open and operate no fewer than six Navigation Centers by July 31, 2018 (within 24 months of the July 31, 2016 effective date). The ordinance also requires that the City develop plans for the equitable distribution of shelter and housing resources, and identify

sustainable revenue sources for the development of new permanent housing for homeless individuals. This ordinance is intended to help the City meet this requirement.

ISSUES AND CONSIDERATIONS

2014 Homeless Shelter Ordinance

On November 25 2014, Mayor Edwin Lee introduced an ordinance (Ordinance No. 014-15) that amended the Planning Code add a definition of Homeless Shelters and to permit Homeless Shelters anywhere in the City that allowed group housing, either as a principally permitted use or with Conditional Use authorization. It also amended the Administrative Code to require contracts between the City and shelter operators to contain operational standards.

This ordinance came about because of a California state law that requires jurisdictions to allow homeless shelters as of right at least in one zoning district. Prior to this ordinance, the Zoning Administrator had to determine on a case-by-case basis which use category the Homeless Shelter fit into based on the proposed length of stay. These determinations were based on the following criteria:

- a) Shelters offering a long-term stay (more than one month) were considered to be "Group Housing"
- b) Shelters offering a short-term stay (less than a month) were considered to be "Hotel uses"

While Group Housing is allowed as of right in many zoning districts, Hotel uses are only allowed with Conditional Use authorization and only in certain zoning districts. Based on these interpretations, if a proposed Homeless Shelter was considered a Hotel use, the Planning Code did not have any zoning district that would allow the use as of right. This made San Francisco's Homeless Shelter controls out of compliance with the State law.

The law also excluded Homeless Shelters from any zoning district that did not already permit group housing, which includes all PDR Districts, WMUO and SALL. These districts tend to be districts located in the eastern-central and eastern-southern portion of the City (See Map in Exhibit B), and prohibit residential uses, like Group Housing, because of the City's desire to protect and preserve its dwindling stock of industrial spaces.

Homelessness in San Francisco

A significant number of people in San Francisco cannot obtain adequate or appropriate shelter. According to the San Francisco biennial "Point-in-Time" homeless count and survey taken in January 2015, there were 6,686 adults and 853 youth without a place to live, constituting a total of 7,539 homeless people. Between the January 2013 homeless people count and survey and the January 2015 homeless people count and survey, the number of homeless people rose in seven of the 11 San Francisco supervisorial districts. A 10-year trend of comparable Point-in-Time data (excluding the targeted youth count) identified a 7% increase in the number of homeless people in San Francisco between 2005 and 2015.

As San Francisco's homeless population ages, additional health services are needed to address the homeless population's deteriorating health. According to the January 2015 homeless count and survey, 22% of the homeless people were between the ages of 51 and 60, up from 14% in 2013, and 8% were 61 or older, up from 3% in 2013.

The inability to obtain adequate or appropriate shelter threatens the health and safety of homeless people. Homelessness is an independent risk factor for a number of illnesses through its association with

exposure to harsh weather, high stress levels, sleep deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and poor nutrition. For example, sleep deprivation impairs cognitive processes and increases the risk of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke, and diabetes.

Navigation Centers

The City has partnered and collaborated with community-based nonprofit organizations serving homeless populations to develop and implement new strategies to shelter and identify housing for difficult-to-serve homeless populations, including residents of encampments, people who have not accessed the traditional shelter system, the long-term homeless population, and Homeward Bound clients. Since 2015, the City has successfully piloted the Navigation Center model, a temporary Homeless Shelter model that minimizes barriers to participation and seeks to connect clients to stable income, public benefits, and permanent housing outside of the Navigation Center. The one existing Navigation Center is located at 1950 Mission Street. This ordinance would facilitate the expansion of the Navigation Center model and the successful transition of difficult-to-serve homeless populations to services and permanent housing.

Production Distribution and Repair (PDR) Districts

PDR activities provide critical support to the drivers of San Francisco's economy, including the tourist industry, high tech industry and financial and legal services, to name a few. PDR businesses also tend to provide stable and well-paying jobs for the 50% of San Francisco residents who do not have a college degree. Overall, there are approximately 60,000 PDR jobs in San Francisco – about 10% of the city's workforce.

PDR Districts provide space for a wide variety of PDR and other non-residential activities in districts where these uses are free from inherent economic and operational competition and conflicts with housing, large office developments, and large-scale retail, which are not permitted in these Districts. Other uses that share operational characteristics with PDR uses are permitted in these Districts, as they require large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land is also an important reservoir of space in San Francisco for new and evolving industry and activity types that cannot be foreseen today and cannot practically function or compete for space in a typical downtown office or neighborhood commercial environment. Business and activities allowed in PDR Districts generally share a need for flexible operating space that features large open interior spaces, high ceilings, freight loading docks and elevators, floors capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These uses are often not ideally compatible with housing for operational reasons, including the need for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative to office, retail, and residential uses, yet are important sectors of the City's economy.

WMUO- Western SoMa Mixed Use-Office District

The Western SoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to the north side of Folsom Street. The WMUO is designed to encourage office uses along with small-scale light industrial and arts activities. Nighttime entertainment is permitted, although limited by buffers around RED and RED-MX districts. Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy industrial uses are not permitted.

SALI- Service/Arts/Light Industrial District

The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities. Nighttime Entertainment is permitted although limited by buffers around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult Entertainment uses are not permitted.

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 supports the proposed ordinance because it will improve upon the 2014 Homeless Shelter Ordinance by allowing for a more equitable distribution of shelter and housing resources, without threatening the availability of space for PDR uses. The City is challenged with finding a solution to its chronic homeless problem, and shelters, particularly in the form of navigation centers, are a part of that solution. While PDR, WMUO, and SALI Districts serve to protect the City's industrial areas, the Department believes that the requirement that these shelters be temporary- no more than four years- and that they must be operated or otherwise managed by the City will ensure that any impact to our industrial spaces will be minimal and reversible. The CU requirement will allow for additional review to ensure that these temporary Homeless Shelters may be more easily located where maximum benefits to homeless people may be provided and that Homeless Shelters are not placed next to incompatible uses nor over concentrated in any one neighborhood.

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.

IMPLEMENTATION

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

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) 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 has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Recommendation of Approval

Executive Summary
Hearing Date: September 22, 2016

CASE NO. 160960
Temporary Homeless Shelters

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of PDR, WMUO, and SALI Districts
- Exhibit C: Board of Supervisors File No. 160960



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19741

HEARING DATE SEPTEMBER 22, 2016

Project Name: Temporary Homeless Shelters in PDR, WMUO, and SALI Districts
Case Number: 2016-011082PCA [Board File No. 160960]
Initiated by: Mayor Edwin Lee/ Introduced September 6, 2016
Staff Contact: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

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Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW TEMPORARY HOMELESS SHELTERS IN THE PRODUCTION, DISTRIBUTION, AND REPAIR, THE WSOA MIXED USE-OFFICE, AND THE SERVICE/ARTS/LIGHT INDUSTRIAL ZONING DISTRICTS, SUBJECT TO CONDITIONAL USE AUTHORIZATION; AFFIRMING THE PLANNING COMMISSION'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF PUBLIC CONVENIENCE, NECESSITY, AND WELFARE UNDER PLANNING CODE, SECTION 302; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

WHEREAS, on September 6, 2016 Mayor Lee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 160960 which would amend the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 22, 2016; and,

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) 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 Planning Commission supports the proposed ordinance because it will improve upon the 2014 Homeless Shelter Ordinance by allowing for a more equitable distribution of shelter and housing resources, without threatening the availability of space for PDR uses.
2. The Commission finds that the City is challenged with finding a solution to its chronic homeless problem, and shelters, particularly in the form of navigation centers, are a part of that solution.
3. While PDR, WMUO, and SALI Districts serve to protect the City's industrial areas, the Commission finds that the requirement that these shelters be temporary- no more than four years- and that they must be operated or otherwise managed by the City will ensure that any impact to our industrial spaces will be minimal and reversible.
4. The Commission finds that the CU requirement will allow for additional review to ensure that these temporary Homeless Shelters may be more easily located where maximum benefits to homeless people may be provided and that Homeless Shelters are not placed next to incompatible uses nor over concentrated in any one neighborhood.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE IV

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.3

Carefully consider public actions that displace existing viable industrial firms.

The proposed ordinance requires that the temporary Homeless Shelters obtain Conditional Use authorization. This added layer of review will help ensure that they do not displace existing viable industrial firms.

Policy 4.5

Control encroachment of incompatible land uses on viable industrial activity.

The proposed ordinance will allow for temporary Homeless Shelters to be placed in industrial areas. The temporary nature of these shelters will help ensure that they do not permanently encroach into viable industrial land, and the Conditional Use requirement will help ensure that they are not placed adjacent to incompatible uses.

HOUSING ELEMENT

OBJECTIVE IV

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.2

Provide a range of housing options for residents with special needs for housing support and services.

This ordinance allows temporary Homeless Shelters to be constructed in zoning districts where they are currently prohibited. Temporary Homeless Shelters are not a permanent solution to homelessness; however they are a vital housing option for people who have lost their homes and need a place to live while they are seeking permanent housing. Further, the Navigation Center model that the City is employing provides housing support and services to homeless individuals.

OBJECTIVE VI

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

Policy 6.1

Prioritize permanent housing and service enriched solutions while pursuing both short- and long-term strategies to eliminate homelessness.

This ordinance helps the City pursue short-term strategies to eliminate homelessness.

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 not have a negative effect on housing or 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.

7. **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.

Resolution No. 19741
September 22, 2016

CASE NO. 2016-011082PCA
Temporary Homeless Shelters

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 22, 2016.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Koppel, Melgar

NOES: None

ABSENT: Johnson, Moore, Richards

ADOPTED: September 22, 2016



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

October 7, 2016

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 160960 [Planning Code - Temporary Homeless Shelters in Certain Industrial and Mixed-Use Districts]

Small Business Commission Recommendation to the Board of Supervisors: **Approval**

Dear Ms. Calvillo,

On October 3, 2016, the Small Business Commission voted (6-0, 1 absent) to recommend that the Board of Supervisors approve BOS File No. 160960.

The Commission supports the legislation and its intent of reducing homelessness in San Francisco. The Production, Distribution and Repair (PDR), WSoMa Mixed Use-Office, and Service/Arts/Light Industrial (SALI) zoning districts are generally located in areas of the City that are also occupied by many small businesses. The Small Business Commission expects that in these additional zoning districts where Homeless Shelter uses would now be permitted (under the circumstances specified in the legislation), early engagement with the small business community will always be a core component of the process.

Thank you for considering the Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Jason Elliott, Mayor's Office
Nicole Elliott, Mayor's Office
Jeff Kositsky, Department of Homelessness and Supportive Housing
Sam Dodge, Department of Homelessness and Supportive Housing
Lisa Pagan, Office of Economic and Workforce Development
Alisa Somera, Land Use & Transportation Committee

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

September 14, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On September 6, 2016, Mayor introduced the following proposed legislation:

File No. 160960

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan; and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
AnMarie Rodgers, Legislative Affairs
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

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

September 14, 2016

File No. 160960

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 6, 2016, Mayor introduced the following proposed legislation:

File No. 160960

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and 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 that reads "Alisa Somera".

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

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

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: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *AS* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: September 14, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160960

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment**
- Recommendation Attached**

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission


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
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MEMORANDUM

TO: Jeff Kositsky, Director, Department of Homelessness and Supportive Housing
Olson Lee, Director, Mayor's Office of Housing and Community Development
Tiffany Bohee, Executive Director, Office of Community Investment and Infrastructure

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: September 14, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on September 6, 2016:

File No. 160960

Ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts, subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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: alisa.somera@sfgov.org.

c: Sophie Hayward, Mayor's Office of Housing and Community Development
Claudia Guerra, Office of Community Investment and Infrastructure

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *Edwin M. Lee* Mayor Edwin M. Lee *NE*
RE: Planning Code - Temporary Homeless Shelters in Certain Industrial and Mixed-Use Districts
DATE: September 6, 2016

Attached for introduction to the Board of Supervisors is an ordinance amending the Planning Code to allow temporary Homeless Shelters in the Production, Distribution, and Repair, the WSoMa Mixed Use-Office, and the Service/Arts/Light Industrial zoning districts subject to conditional use authorization; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

I respectfully request a waiver of the 30-day hold and that this item be calendared in Land Use Committee.

Should you have any questions, please contact Nicole Elliott (415) 554-7940.

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