

BOARD of SUPERVISORS



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April 24, 2018

File No. 180389

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

Dear Ms. Gibson:

On April 17, 2018, Supervisor Tang introduced the following proposed legislation:

File No. 180389

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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 "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code, Zoning Map - Amend Zoning Map and Abolish Legislated Setback
2 on 19th Avenue Between Quintara and Rivera Streets]

3 **Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on**
4 **the west side of 19th Avenue between Quintara Street and Rivera Street, and revising**
5 **the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2**
6 **(Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031**
7 **(1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to**
8 **RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No.**
9 **001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-**
10 **19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue);**
11 **adopting findings under the California Environmental Quality Act; and making findings**
12 **of consistency with the General Plan, and the eight priority policies of Planning Code,**
13 **Section 101.1, and findings of public necessity, convenience, and welfare under**
14 **Planning Code, Section 302.**

15 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
16 **Additions to Codes** are in *single-underline italics Times New Roman font*.
17 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
18 **Board amendment additions** are in double-underlined Arial font.
19 **Board amendment deletions** are in ~~strikethrough Arial font~~.
20 **Asterisks (* * * *)** indicate the omission of unchanged Code
21 subsections or parts of tables.

22 Be it ordained by the People of the City and County of San Francisco:

23 Section 1. Environmental and Land Use Findings.

24 (a) The Planning Department has determined that the actions contemplated in this
25 ordinance comply with the California Environmental Quality Act (California Public Resources
Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
2 determination.

3 (b) On _____, in Resolution No. _____, the Planning Commission
4 determined that the actions contemplated in this ordinance are consistent, on balance, with
5 the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 of Supervisors adopts this determination as its own. The Planning Commission Resolution is
7 on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
8 by reference.

9 (c) On _____, in Resolution No. _____, the Planning Commission adopted
10 findings under Planning Code Section 302 determining that this ordinance serves the public
11 necessity, convenience, and general welfare. The Board of Supervisors adopts these findings
12 as its own.

13
14 Section 2. Findings Regarding Legislated Setback Line and Zoning Map Amendments.

15 (a) Consistent with former Article 4 of the Planning Code, which was superseded in
16 October 1978 pursuant to Ordinance No. 443-78, Section 131 of the current Planning Code
17 acknowledges certain City street frontages are subject to legislated setback lines that have
18 been established by ordinance or resolution pursuant to former Article 4 of the Planning Code
19 and earlier provisions of law. Ordinance No. 443-78 expressly continued the effectiveness of
20 certain legislated setbacks as regulations of the Planning Code, including a legislated setback
21 line running from north to south along a portion of the west side of 19th Avenue, between
22 Quintara Street and Rivera Street (as described herein, the "Nine-Foot Legislated Setback
23 Line"). The setback area begins at the eastern boundary of Assessor's Block 2198 (the
24 western boundary of 19th Avenue) and extends nine feet westward. From north to south, the
25 Nine-Foot Legislated Setback Line begins at the northern boundary of Assessor's Block No.

1 2198, Lot No. 001; extends to the south through Assessor's Parcel Block No. 2198 through
2 Assessor's Block No. 2198, Lot Nos. 001, 037, 033, 034, and 007; and ends at the southern
3 boundary of Assessor's Block No. 2198, Lot No. 008.

4 (b) Abolition of the Nine-Foot Legislated Setback Line could facilitate transit-oriented
5 housing and development at a density greater than what would be permissible with the Nine-
6 Foot Legislated Setback Line in effect. Currently, many San Francisco neighborhoods are not
7 subject to legislated front yard setbacks. In the Sunset District, legislated front yard setbacks
8 apply primarily to small scale residential streets. Generally, front yard setbacks are imposed
9 to enhance the pedestrian frontage of the street, however, front yard setbacks are not
10 essential to enhancement of the pedestrian frontage. There are many provisions within the
11 Residential Design Guidelines that encourage the use of landscaping with or without a front
12 yard setback. The application of front yard setbacks along the west side of 19th Avenue is an
13 anomaly because 19th Avenue is a major transportation corridor with a variety of land uses,
14 including multifamily housing and commercial uses. Furthermore, the front yard setback is
15 applied unevenly on 19th Avenue between Quintara Street and Rivera Street. On the west
16 side of 19th Avenue between Quintara Street and Rivera Street, three different front yard
17 setbacks apply (nine-foot, six-foot, and three-foot setbacks), while there are no front yard
18 setbacks on the east side of 19th Avenue. The Nine-Foot Legislated Setback Line is
19 unnecessary, and its abolition would serve the public necessity, convenience, and general
20 welfare.

21 (c) Policy 13.1 of the General Plan Housing Element "[s]upport[s] 'smart' regional
22 growth that locates new housing close to jobs and transit," and Policy 13.3 of the General
23 Plan "[p]romote[s] sustainable land use patterns that integrate housing with transportation in
24 order to increase transit, pedestrian, and bicycle mode share." These policies support the
25 rezoning of parcels along 19th Avenue between Quintara Street and Rivera Street, an arterial

1 street served by public transit, to enable mixed-use residential development at a density level
2 greater than the density allowed in the RH-1 and RH-2 Districts.

3 Section 4. Abolition of Legislated Setback Line. The Planning Code is hereby
4 amended by abolishing the Nine-Foot Legislated Setback Line referenced in Section 2 of this
5 ordinance.

6 Section 5. Amendment of Zoning Map. The Planning Code is hereby amended by
7 revising Sheet ZN05 of the Zoning Map as follows:

| Description of Property | Use District To Be Superseded | Use District Hereby Approved |
|---|--|---|
| Block 2198, Lot 001 (intersection of 19th Avenue and Quintara Street at southwest corner) | RH-2 | RM-2 |
| Block 2198, Lot 031 (1021 Quintara Street) | RH-1 | RM-2 |
| Block 2198, Lot 033 (2121 19th Avenue) | RH-2 | RM-2 |
| Block 2198, Lot 034 (2145 19th Avenue) | RH-2 | RM-2 |
| Block 2198, Lot 037 (2115 19th Avenue) | RH-2 | RM-2 |

17
18 Section 6. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

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

By: 
CHRISTOPHER T. TOM
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Amend Zoning Map and Abolish Legislated Setback on 19th Avenue Between Quintara and Rivera Streets]

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Zoning Districts. Under the existing Zoning Map, Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street) is in the RH-1 Zoning District, and Assessor's Parcel Block No. 2198, Lot No. 001 (intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121 19th Avenue), Lot No. 034 (2145 19th Avenue), and Lot No. 037 (2115 19th Avenue) are in the RH-2 Zoning District.

Legislated Setbacks. Under the existing Zoning Map, certain properties on the west side of 19th Avenue, between Quintara Street and Rivera Street, are subject to a legislated setback line running from north to south along a portion of the west side of 19th Avenue, between Quintara Street and Rivera Street (as described herein, the "Nine-Foot Legislated Setback Line"). The setback area begins at the eastern boundary of Assessor's Block 2198 (the western boundary of 19th Avenue) and extends nine feet westward. From north to south, the Nine-Foot Legislated Setback Line begins at the northern boundary of Assessor's Block No. 2198, Lot No. 001; extends to the south through Assessor's Parcel Block No. 2198 through Assessor's Block No. 2198, Lot Nos. 001, 037, 033, 034, and 007; and ends at the southern boundary of Assessor's Block No. 2198, Lot No. 008.

Amendments to Current Law

Rezoning. This ordinance would revise the Zoning Map to rezone from RH-1 to RM-2 Assessor's Parcel Block No. 2198, Lot No. 031, and to rezone from RH-2 to RM-2 Assessor's Parcel Block No. 2198, Lot No. 001, Lot No. 033, Lot No. 034, and Lot No. 037.

Abolishing Legislated Setbacks. This ordinance would abolish the Nine-Foot Legislated Setback Line.

Background Information

Consistent with former Article 4 of the Planning Code, which was superseded in October 1978 pursuant to Ordinance No. 443-78, Section 131 of the current Planning Code acknowledges certain City street frontages are subject to legislated setback lines that have been established by ordinance or resolution pursuant to former Article 4 of the Planning Code and earlier provisions of law, including the Nine-Foot Legislated Setback Line.

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