

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

October 3, 2018

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

Dear Commissioners:

On September 25, 2018, Supervisor Safai introduced the following legislation:

File No. 180939

Ordinance amending the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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, appearing to read "Erica Major".

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

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Laura Lynch, Environmental Planning
Joy Navarrete, Environmental Planning

1 [Planning Code, Zoning Map - District 11 Large Residence Special Use District]

2
3 **Ordinance amending the Planning Code and Zoning Map to create the District 11 Large**
4 **Residence Special Use District (the area within a perimeter established by Interstate**
5 **280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue,**
6 **Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue,**
7 **Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford**
8 **Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows**
9 **Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue,**
10 **western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham**
11 **Way, Robinson Drive, and the southern boundary of San Francisco), to promote and**
12 **enhance neighborhood character and affordability by requiring Conditional Use**
13 **authorization for large residential developments in the district; affirming the Planning**
14 **Department's determination under the California Environmental Quality Act; making**
15 **findings of consistency with the General Plan, and the eight priority policies of**
16 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**
17 **and welfare under Planning Code, Section 302.**

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

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

Section 1. Environmental and Land Use Findings.

1 (a) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
5 this determination.

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

11 (c) On _____, the Planning Commission, in Resolution No. _____, approved
12 this ordinance, recommended it for adoption by the Board of Supervisors, and adopted
13 findings that it will serve the public necessity, convenience, and welfare. Pursuant to Planning
14 Code Section 302, the Board adopts these findings as its own. A copy of said Resolution is
15 on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated by
16 reference herein.

17
18 Section 2. Article 2 of the Planning Code is hereby amended by adding Section 249.3,
19 to read as follows:

20 **SEC 249.3. DISTRICT 11 LARGE RESIDENCE SPECIAL USE DISTRICT.**

21 (a) **General.** *A special use district entitled the "District 11 Large Residence Special Use*
22 *District," consisting of the area within a perimeter established by Interstate 280, Orizaba Avenue,*
23 *Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue,*
24 *southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook*
25 *Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue,*

1 Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande
2 Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way,
3 Robinson Drive, southern boundary of the City and County of San Francisco, which district includes
4 RH-1, RH-2, and RH-3 Use Districts, is hereby established for the purposes set forth in subsection (b).
5 The boundaries of the District 11 Large Residence Special Use District are designated on Sectional
6 Maps No. SU11 and No. SU12 of the Zoning Map of the City and County of San Francisco.

7 (b) **Purposes.** To protect and enhance existing neighborhood character, encourage new
8 infill housing at compatible densities and scale, and provide for thorough assessment of proposed
9 large-scale residences that could adversely impact the area and affordable housing opportunities, the
10 controls stated in subsections (c)-(e) are imposed in the District 11 Large Residence Special Use
11 District.

12 (c) **Controls.** All applicable provisions of the Planning Code shall continue to apply in the
13 District 11 Large Residence Special Use District, except as otherwise provided in this Section 249.2.

14 (d) **Conditional Use Authorizations.** For all parcels zoned RH-1, RH-2, or RH-3 within the
15 District 11 Large Residence Special Use District, the following developments shall require a
16 Conditional Use authorization:

17 (1) **Development or Expansion of Residential Property.** Residential development on a
18 vacant or developed parcel that will result in a dwelling unit with:

19 (A) total gross floor area exceeding 2,500 square feet; or

20 (B) five or more bedrooms.

21 (e) In acting on any application for Conditional Use authorization within the District 11
22 Large Residence Special Use District, the Planning Commission shall consider the Conditional Use
23 authorization requirements set forth in subsection 303(c) of this Code and, in addition, shall consider
24 whether facts are presented to establish, based on the record before the Commission, one or more of
25 the following:

1 (1) The proposed project promotes housing affordability by increasing housing supply;

2 (2) The proposed project maintains affordability of any existing housing unit; or

3 (3) The proposed project is compatible with existing development.

4 (f) This Section 249.3 shall apply to building permit applications received on or after the
5 effective date of the ordinance, in Board of Supervisors File No. _____, creating this Section.

6
7 Section 3. The Planning Code is hereby amended by revising Sectional Maps SU11
8 and SU12 of the Zoning Map of the City and County of San Francisco, as follows:

9

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
All parcels within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sun glow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way,	District 11 Large Residence Special Use District

1 Robinson Drive, southern boundary of the
2 City and County of San Francisco.
3

4
5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.
9

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By:


14 ROBB W. KAPLA
15 Deputy City Attorney

16 n:\legana\as2018\1800324\01306593.docx
17
18
19
20
21
22
23
24
25

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - District 11 Large Residence Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Under the Planning Code, residential parcels within the area established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista Steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco (“SUD Area”) are subject to RH-1, RH-2, and RH-3 zoning controls. RH-1, RH-2, and RH-3 zoning controls do not contain limits on the number of bedrooms allowed or gross square footage of dwelling units.

Amendments to Current Law

The SUD Area conforms to the boundaries of Supervisorial District 11. New development on or expansion of RH-1, RH-2, or RH-3 zoned parcels within the SUD Area will require a Conditional Use authorization (“CU”) from the Planning Commission if the expansion or new development will result in a dwelling unit having: greater than 2,500 gross square feet; or five or more bedrooms.

To grant a CU for projects exceeding either or both of these thresholds, the Planning Commission shall consider—in addition to the standard CU requirements in Planning Code Section 303(c)—whether there are facts establishing the project will: (1) promote housing affordability by increasing housing supply; (2) maintain affordability of any existing housing unit; or (3) is compatible with existing development.

Background Information

Most dwelling units within the SUD Area are smaller than 2,500 square feet and contain fewer than five bedrooms. Currently, otherwise code compliant permits for expanding existing or constructing new dwelling units greater than 2,500 square feet and/or having five or more bedrooms do not undergo Planning Commission review and may result in the establishment of group housing, private student dorms, and/or very large dwelling units that are not affordable or compatible with the existing development. The proposed legislation would ensure that Planning Commission reviews such permits and grants CUs only where the project would promote or maintain affordable housing or be compatible with existing development.

n:\legana\as2018\1800324\01306705.docx