

BOARD of SUPERVISORS



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May 3, 2019

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

Dear Commissioners:

On April 30, 2019, Supervisor Safai introduced the following substitute legislation:

**File No. 180939-2**

**Ordinance amending the Planning Code and Zoning Map to create the Oceanview 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, Geneva Avenue, and Interstate 280), 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  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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

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3 **Ordinance amending the Planning Code and Zoning Map to create the Oceanview**  
4 **Large Residence Special Use District (the area within a perimeter established by**  
5 **Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway**  
6 **Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to**  
7 **promote and enhance neighborhood character and affordability by requiring**  
8 **Conditional Use authorization for large residential developments in the district;**  
9 **affirming the Planning Department's determination under the California Environmental**  
10 **Quality Act; making findings of consistency with the General Plan, and the eight**  
11 **priority policies of Planning Code, Section 101.1; and adopting findings of public**  
12 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
25 Supervisors in File No. 180939 and is incorporated herein by reference. The Board affirms  
this determination.

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

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

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

15 **SEC 249.3. OCEANVIEW LARGE RESIDENCE SPECIAL USE DISTRICT.**

16 (a) **General.** *A special use district entitled the "Oceanview Large Residence Special Use*  
17 *District," consisting of the area within a perimeter established by Interstate 280, Orizaba Avenue,*  
18 *Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue,*  
19 *Geneva Avenue, and Interstate 280, which district includes RH-1 and RH-2 Use Districts, is hereby*  
20 *established for the purposes set forth in subsection (b). The boundaries of the Oceanview Large*  
21 *Residence Special Use District are designated on Sectional Map No. SU12 of the Zoning Map of the*  
22 *City and County of San Francisco.*

23 (b) **Purposes.** *To protect and enhance existing neighborhood character, encourage new*  
24 *infill housing at compatible densities and scale, and provide for thorough evaluation of proposed large-*  
25 *scale residences that could adversely impact the area and affordable housing opportunities, the*

1 controls stated in subsections (c)-(e) are imposed in the Oceanview Large Residence Special Use  
2 District.

3 (c) **Controls.** All applicable provisions of the Planning Code shall continue to apply in the  
4 Oceanview Large Residence Special Use District, except as otherwise provided in this Section 249.3.

5 (d) **Conditional Use Authorizations.** For all parcels zoned RH-1 or RH-2 within the  
6 Oceanview Large Residence Special Use District, the following developments shall require a  
7 Conditional Use authorization:

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

10 (A) five or more bedrooms; or

11 (B) the smallest unit in a multiple dwelling unit project, including projects  
12 with ADUs, being less than 33% of the size in floor area of the largest unit; or

13 (C) Floor Area Ratio exceeding the limits in Table 249.3.

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<u>Table 249.3</u>		
	<u>RH-1</u>	<u>RH-2</u>
<u>One Dwelling Unit</u>	<u>1 : 1</u>	<u>0.8 : 1</u>
<u>One Dwelling Unit with ADU*</u>	<u>1 : 1.15</u>	<u>0.9 : 1</u>
<u>Two Dwelling Units</u>	<u>N/A</u>	<u>1.5 : 1</u>
<u>Two Dwelling Units with an ADU*</u>	<u>N/A</u>	<u>1.75 : 1</u>

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21 \* The Floor to Area Ratio is calculated without including the floor area of the ADU.

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23 (e) In acting on any application for Conditional Use authorization within the Oceanview  
24 Large Residence Special Use District, the Planning Commission shall consider the Conditional Use  
25 authorization requirements set forth in subsection 303(c) of this Code and, in addition, shall consider

1 whether facts are presented to establish, based on the record before the Commission, two or more of  
2 the following:

3 \_\_\_\_\_ (1) The proposed project maximizes allowed density, including allowed ADUs;

4 \_\_\_\_\_ (2) If the proposed project results in five or more bedrooms in any dwelling unit, no  
5 more than three full bathrooms per dwelling unit;

6 \_\_\_\_\_ (3) The proposed project is compatible with surrounding development in terms of floor  
7 area, building scale, and form; or

8 \_\_\_\_\_ (4) The proposed project does not add new off-street parking areas.

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

11  
12 Section 3. The Planning Code is hereby amended by revising Sectional Map SU12 of  
13 the Zoning Map of the City and County of San Francisco, as follows:

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<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, Geneva Avenue, and Interstate 280.	Oceanview Large Residence Special Use District

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24 Section 4. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

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ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

By:   
\_\_\_\_\_  
ROBB W. KAPLA  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Substituted, 4/30/2019)

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

**Ordinance amending the Planning Code and Zoning Map to create the Oceanview 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, Geneva Avenue, and Interstate 280), 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, Geneva Avenue, and Interstate 280 (“SUD Area”) are subject to RH-1 and RH-2 zoning controls. RH-1 and RH-2 zoning controls do not contain limits on the number of bedrooms allowed, a comparable size ratio for multi-unit properties, or Floor Area Ratio (“FAR”) guidelines for dwelling units.

Amendments to Current Law

New development on or expansion of RH-1 or RH-2 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: five or more bedrooms, a multi-unit property where the smaller unit is less than 33% of the size of the larger unit, or exceedances of FARs detailed in Table 249.3.

To grant a CU for projects exceeding one or more of these thresholds, the Planning Commission must determine there are facts establishing two or more of the following: (1) the proposed project maximizes allowed density, including allowed ADUs; (2) for projects resulting in five or more bedrooms, there must be no more than three full bathrooms per dwelling unit; (3) the proposed project is compatible with surrounding development in terms of floor area, building scale, and form; or (4) the proposed project does not add new off-street parking areas.

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