

File No. 190437

Committee Item No. 3

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 11, 2019

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input 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                           |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Charter Amendment |
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Completed by: Victor Young Date July 5, 2019

Completed by: Victor Young Date \_\_\_\_\_

1 [Charter Amendment and Initiative Ordinance - Non-Discretionary Review of 100% Affordable  
2 Housing and Teacher Housing Projects]

3 **Describing and setting forth a proposal to the voters at an election to be held on November**  
4 **5, 2019, to amend the Charter of the City and County of San Francisco to provide for**  
5 **streamlined review of eligible affordable housing and housing for teachers and employees**  
6 **of the San Francisco Unified School District or Community College District by limiting**  
7 **discretionary review by City boards and commissions and providing for Planning**  
8 **Department ministerial review in lieu of approvals by or certain appeals to City boards and**  
9 **commissions; and to make corresponding amendments to the Planning Code and the**  
10 **Business and Tax Regulations Code; and affirming the Planning Department's**  
11 **determination under the California Environmental Quality Act.**

12  
13 Section 1. CEQA FINDINGS. The Planning Department has determined that the actions  
14 contemplated in this proposed Charter Amendment comply with the California Environmental  
15 Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on  
16 file with the Clerk of the Board of Supervisors in File No. 190437 and is incorporated herein by  
17 reference. The Board affirms this determination.

18  
19 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City  
20 and County, at an election to be held on November 5, 2019, a proposal to amend the Charter of  
21 the City and County, the San Francisco Planning Code, and the San Francisco Business and Tax  
22 Regulations Code, as follows:

23 ///

24 ///

25 ///

1       NOTE:

**Unchanged text and uncodified text** are in plain font.

**Additions** are *single-underline italics Times New Roman font*.

**Deletions** are ~~*strike-through italics Times New Roman font*~~.

**Asterisks (\* \* \* \*)** indicate the omission of unchanged subsections.

2  
3  
4       Section 1. TITLE. This measure shall be known and may be cited as the “San Francisco  
5 For Everyone Initiative” (the “Initiative”).

6  
7       Section 2. PURPOSE AND FINDINGS. The People of the City and County of San  
8 Francisco hereby find as follows:

9           (a) San Francisco is in a severe housing crisis. The shortage of affordable  
10 housing has forced lower income and middle class families out of the City. There is a need to  
11 make it easier to build affordable and middle-income housing to keep our city diverse, and  
12 provide homes for lower and middle income workers, including teachers. In the midst of this  
13 severe housing shortage and affordability crisis, San Francisco must immediately remove  
14 barriers to building housing for low and middle income residents and working families, including  
15 for our teachers.

16           (b) Teachers and other employees of the San Francisco Unified School District  
17 and Community College District suffer acutely from the City’s severe housing shortage, with  
18 hundreds of teachers leaving the school district every year, many due to frustration with high  
19 housing costs and the escalating cost of living. When it comes to providing quality public  
20 education for our students, it is far preferable for teachers to live in the City and district in which  
21 they teach.

22           (c) San Francisco’s current planning and appeals process unnecessarily delays the  
23 development of new affordable housing, even in locations that have already undergone extensive  
24 environmental and neighborhood review. This measure remedies that cumbersome planning and  
25 appeal process by allowing eligible 100% affordable and teacher housing projects to move

1 forward without delay.

2 (d) The purpose of the San Francisco For Everyone Initiative is to facilitate the  
3 development and construction of 100% affordable and teacher housing in San Francisco.

4 (e) Affordable housing is an especially paramount concern in San Francisco. San  
5 Francisco has one of the highest housing costs in the nation, but San Francisco's economy and  
6 culture rely on a diverse workforce at all income levels. It is the policy of the City to enable  
7 these workers to afford housing in San Francisco and ensure that they pay a reasonably  
8 proportionate share of their incomes to live in adequate housing and to not have to commute  
9 ever-increasing distances to their jobs. The Association of Bay Area Governments determined  
10 that San Francisco's share of the Regional Housing Need for January 2015 to June 2022 was the  
11 provision of 28,870 new housing units, with 6,234 (or 21.6%) as very low, 4,639 (or 16.1%) as  
12 low, and 5,460 (or 18.9%) as moderate income units.

13 (f) The Board of Supervisors, and the voters in San Francisco, have long  
14 recognized the need for the production of affordable housing. The voters, in some cases, and the  
15 Board in others, have adopted measures to address this need, such as mandatory Inclusionary  
16 Affordable Housing Ordinance in Planning Code Section 415; the San Francisco Housing Trust  
17 Fund, adopted in 2012, which established a fund to create, support, and rehabilitate affordable  
18 housing, and set aside \$20 million in its first year, with increasing allocations to reach \$50  
19 million a year for affordable housing; the adoption of Proposition K in November 2014, which  
20 established as City policy that the City, by 2020, will help construct or rehabilitate at least  
21 30,000 homes, with more than 50% of the housing affordable for middle-income households, and  
22 at least 33% as affordable for low- and moderate income households; and the multiple programs  
23 that rely on Federal, State and local funding sources as identified in the Mayor's Office of  
24 Housing and Community Development Consolidated Plan. These programs enable the City to  
25 work towards the voter-mandated affordable housing goals.

1 (g) Streamlined review enables cities to expedite development of 100%  
2 affordable housing and teacher housing projects by reducing the time and expense associated  
3 with long project review periods and multiple appeal proceedings.  
4

5 Section 3. CHARTER AMENDMENT. The Charter of the City and County of San  
6 Francisco shall be amended by adding new Section 16.126 and by amending Sections 4.105,  
7 4.106, 4.135, 5.103, and 9.118, to read as follows:

8 **SEC. 16.126. STREAMLINED REVIEW OF 100% AFFORDABLE AND**  
9 **TEACHER HOUSING PROJECTS.**

10 (a) Definitions. For purposes of this Section 16.126, the following terms shall have the  
11 following meanings:

12 100% Affordable Housing. Residential units that are deed-restricted to be affordable to  
13 households with an income up to 140% of the unadjusted area median family income (AMI) for  
14 the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published  
15 annually by MOHCD.

16 100% Affordable Housing Project. A project for the development of 100% Affordable  
17 Housing. In the alternative, a 100% Affordable Housing Project also is a mixed use  
18 development consisting of residential and nonresidential uses with at least two-thirds of the  
19 gross building square footage designated for residential use, which shall be restricted as 100%  
20 Affordable Housing.

21 (1) Notwithstanding the foregoing requirements for a 100% Affordable Housing  
22 Project, the maximum affordable rent or sales price for a unit in such project may be no higher  
23 than 20% below median market rents or sales prices for the neighborhood in which the 100%  
24 Affordable Housing Project is located, which neighborhood shall be defined in accordance with  
25 the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall

1 determine the allowable rents and sales prices, and the eligible households for such units  
2 accordingly.

3 (2) Notwithstanding the foregoing requirements for a 100% Affordable Housing  
4 Project, any prior tenant who may return to the 100% Affordable Housing Project whose income  
5 exceeds 140% AMI shall not change the definition of the housing project as a 100% Affordable  
6 Housing Project and cause the housing project to be excluded from the provisions of this Section  
7 16.126.

8 MOHCD. The Mayor's Office of Housing and Community Development or its successor  
9 agency.

10 Teacher Housing Project. A project for the development of residential units, where no  
11 less than two-thirds of the units are deed-restricted to occupancy by at least one employee of the  
12 Unified School District or Community College District, as verified by the Planning Department,  
13 or MOHCD. In the alternative a Teacher Housing Project is also a mixed use development  
14 consisting of residential and nonresidential uses with at least two-thirds of the gross building  
15 square footage designated for residential use, of which no less than two-thirds of the residential  
16 units shall be deed restricted to occupancy by at least one employee of the Unified School  
17 District or Community College District, as provided in this Section 16.126. The residential units  
18 that are deed-restricted to occupancy by at least one employee of the Unified School District or  
19 Community College District shall also be deed-restricted to be affordable to households with an  
20 income up to 140% of the unadjusted area median family income (AMI) for the HUD Metro Fair  
21 Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD.

22 (1) Notwithstanding the foregoing income restrictions for a Teacher Housing  
23 Project, the maximum affordable rent or sales price for a unit in such project may be no higher  
24 than 20% below median market rents or sales prices for the neighborhood in which the Teacher  
25 Housing Project is located, which neighborhood shall be defined in accordance with the

1 American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall determine  
2 the allowable rents and sales prices, and the eligible households for such units accordingly.

3 (2) Notwithstanding the foregoing income restrictions for a Teacher Housing  
4 Project, any prior tenant who may return to the Teacher Housing Project whose income exceeds  
5 140% AMI shall not change the definition of the housing project as a Teacher Housing Project  
6 and cause the housing project to be excluded from the provisions of this Section 16.126.

7 (b) Eligibility. To be eligible for streamlining under this Section 16.126, projects must  
8 meet the following requirements:

9 (1) The project is a 100% Affordable Housing Project or Teacher Housing  
10 Project; and

11 (2) The project is located on a site that (A) is not designated open space under  
12 the jurisdiction of the Recreation and Park Department that is used as a public park, (B) is not in  
13 a zoning district that prohibits dwelling units, (C) is not located in an RH-1, RH-1(D), or RH-2  
14 zoning district, and (D) does not cause any removal or demolition of a designated state or  
15 national landmark, or designated City landmark or contributory building in a designated  
16 historic district as provided in the Planning Code, or a Significant Building designated Category  
17 I or II as provided in Planning Code Article 11.

18 (c) Discretionary Approvals. It is the intent of this Section 16.126 to exempt eligible  
19 100% Affordable Housing Projects and Teacher Housing Projects from any requirements for  
20 discretionary approvals by the City, including but not limited to the Planning Commission,  
21 Historic Preservation Commission, Arts Commission, Board of Supervisors, and Board of  
22 Appeals.

23 (d) Implementation and Application.

24 (1) The Planning Department, in consultation with MOHCD, may adopt  
25 regulations to implement this Section 16.126.

1                   (2) Notwithstanding any other provision of this Charter, the City may enact  
2 ordinances applying the controls of this Section 16.126, and the Charter provisions expressly  
3 related to Section 16.126, to additional forms of housing, but may not restrict its application to  
4 100% Affordable Housing Projects and Teacher Housing Projects.

5  
6 **SEC. 4.105. PLANNING COMMISSION.**

7                   \* \* \* \*

8                   REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by  
9 the Board of Supervisors, be submitted for written report by the Planning Department regarding  
10 conformity with the General Plan:

- 11                   1. Proposed ordinances and resolutions concerning the acquisition or vacation of  
12 property by, or a change in the use or title of property owned by, the City and County;
- 13                   2. Subdivisions of land within the City and County;
- 14                   3. Projects for the construction or improvement of public buildings or structures  
15 within the City and County;
- 16                   4. Project plans for public housing, or publicly assisted private housing in the  
17 City and County;
- 18                   5. Redevelopment project plans within the City and County; and
- 19                   6. Such other matters as may be prescribed by ordinance.

20                   Notwithstanding the foregoing list of matters requiring a report regarding General Plan  
21 conformity, any eligible 100% Affordable Housing Project or Teacher Housing Project, as  
22 defined in Charter Section 16.126, that the Planning Department determines to be consistent  
23 with the applicable zoning as set forth in the Planning Code shall be deemed to be consistent  
24 with the General Plan and shall not require referral for a separate report of conformity by the  
25 Planning Department for the foregoing matters. The Commission shall disapprove any proposed



1 action referred to it upon a finding that such action does not conform to the General Plan. Such a  
2 finding may be reversed by a vote of two-thirds of the Board of Supervisors.

3 All such reports and recommendations shall be issued in a manner and within a time  
4 period to be determined by ordinance.

5 PERMITS AND LICENSES. All permits and licenses dependent on, or affected by, the  
6 City Planning Code administered by the Planning Department shall be approved by the  
7 Commission prior to issuance except that permits, licenses, or other approvals for an eligible  
8 100% Affordable Housing Project or Teacher Housing Project as defined in Charter Section  
9 16.126 do not require approval by the Commission prior to issuance. The Commission may  
10 delegate this approval function to the Planning Department. Notwithstanding the foregoing,  
11 certificates of appropriateness for work to designated landmarks and historic districts and  
12 applications for alterations to significant or contributory buildings or properties in designated  
13 conservation districts that have been approved, disapproved, or modified by the Historic  
14 Preservation Commission shall not require approval by the Commission prior to issuance.

15 \* \* \* \*

16  
17 **SEC. 4.106. BOARD OF APPEALS.**

18 \* \* \* \*

19 (b) The Board shall hear and determine appeals with respect to any person who has been  
20 denied a permit or license, or whose permit or license has been suspended, revoked or  
21 withdrawn, or who believes that his or her interest or the public interest will be adversely  
22 affected by the grant, denial, suspension or revocation of a license or permit, except for a permit  
23 or license under the jurisdiction of the Recreation and Park Commission or Department, or the  
24 Port Commission, or a building or demolition permit for a project that has received a permit or  
25 license pursuant to a conditional use authorization, or any permit or license for an eligible 100%

1 Affordable Housing Project or Teacher Housing Project as defined in Charter Section 16.126.

2 \* \* \* \*

3  
4 **SEC. 4.135. HISTORIC PRESERVATION COMMISSION.**

5 \* \* \* \*

6 CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall  
7 approve, disapprove, or modify certificates of appropriateness for work to designated landmarks  
8 or within historic districts. For minor alterations, the Historic Preservation Commission may  
9 delegate this function to staff, whose decision may be appealed to the Historic Preservation  
10 Commission. A Certificate of Appropriateness shall not be required for construction of an  
11 eligible 100% Affordable Housing Project or Teacher Housing Project as defined in Charter  
12 Section 16.126 in a historic district, provided that the Planning Department shall develop and  
13 apply objective criteria substantially similar to the criteria used for issuance of a Certificate of  
14 Appropriateness to review the design of a proposed 100% Affordable Housing Project or  
15 Teacher Housing Project located within a historic district.

16 For projects that require multiple planning approvals, the Historic Preservation  
17 Commission must review and act on any Certificate of Appropriateness before any other  
18 planning approval action. For projects that (1) require a conditional use permit or permit review  
19 under Section 309, et seq., of the Planning Code and (2) do not concern an individually  
20 landmarked property, the Planning Commission may modify any decision on a Certificate of  
21 Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable  
22 historic resources provisions of the Planning Code.

23 For projects that are located on vacant lots, the Planning Commission may modify any  
24 decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning  
25 Commission shall apply all applicable historic resources provisions of the Planning Code.

1 The Historic Preservation Commission or Planning Commission's decision on a  
2 Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may  
3 modify the decision by a 4/5 vote; provided, however, that if the project requires Board of  
4 Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision  
5 shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which  
6 may modify the decision by a majority vote.

7 \* \* \* \*

8 ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN  
9 CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation  
10 Commission shall have the authority to determine if a proposed alteration is a Major Alteration  
11 or a Minor Alteration. The Historic Preservation Commission shall have the authority to  
12 approve, disapprove, or modify applications for permits to alter or demolish designated  
13 Significant or Contributory buildings or buildings within Conservation Districts. The Historic  
14 Preservation Commission shall not have the authority to approve, disapprove, or modify  
15 applications for permits to alter buildings for an eligible 100% Affordable Housing Project or  
16 Teacher Housing Project as defined in Charter Section 16.126, provided that the Planning  
17 Department develops and applies objective criteria substantially similar to the applicable  
18 criteria for issuance of a permit to alter to review the design of a proposed 100% Affordable  
19 Housing Project or Teacher Housing Project. For Minor Alterations, the Historic Preservation  
20 Commission may delegate this function to staff, whose decision may be appealed to the Historic  
21 Preservation Commission.

22 For projects that require multiple planning approvals, the Historic Preservation  
23 Commission must review and act on any permit to alter before any other planning approval  
24 action. For projects that (1) require a conditional use permit or permit review under Section 309,  
25 et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and

1 II) or Contributory (Category III only) building, the Planning Commission may modify any  
2 decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all  
3 applicable historic resources provisions of the Planning Code.

4 For projects that are located on vacant lots, the Planning Commission may modify any  
5 decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall  
6 apply all applicable historic resources provisions of the Planning Code.

7 The Historic Preservation Commission's or Planning Commission's decision on a permit  
8 to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by  
9 a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is  
10 appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to  
11 the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by  
12 a majority vote.

13 \* \* \* \*

14 REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the  
15 Board of Supervisors, be submitted for written report by the Historic Preservation Commission  
16 regarding effects upon historic or cultural resources: ordinances and resolutions concerning  
17 historic preservation issues and historic resources; redevelopment project plans; waterfront land  
18 use and project plans; and such other matters as may be prescribed by ordinance. An eligible  
19 100% Affordable Housing Project or Teacher Housing Project as defined in Charter Section  
20 16.126 shall not require review by the Historic Preservation Commission under this paragraph.

21 If the Planning Commission is required to take action on the matter, the Historic Preservation  
22 Commission shall submit any report to the Planning Commission as well as to the Board of  
23 Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the  
24 Board of Supervisors.

25 \* \* \* \*

1     **SEC. 5.103. ARTS COMMISSION.**

2             \* \* \* \*

3             In furtherance of the foregoing the Arts Commission shall:

4             1. Approve the designs for all public structures, any private structure which extends over  
5     or upon any public property and any yards, courts, set-backs or usable open spaces which are an  
6     integral part of any such structures, except that an eligible 100% Affordable Housing Project or  
7     Teacher Housing Project as defined in Charter Section 16.126 is not subject to design approval  
8     by the Arts Commission;

9             2. Approve the design and location of all works of art before they are acquired,  
10    transferred or sold by the City and County, or are placed upon or removed from City and County  
11    property, or are altered in any way; maintain and keep an inventory of works of art owned by the  
12    City and County; and maintain the works of art owned by the City and County;

13            3. Promote a neighborhood arts program to encourage and support an active interest in  
14    the arts on a local and neighborhood level, assure that the City and County-owned community  
15    cultural centers remain open, accessible and vital contributors to the cultural life of the City and  
16    County, establish liaison between community groups and develop support for neighborhood  
17    artists and arts organizations; and

18            4. Supervise and control the expenditure of all appropriations made by the Board of  
19    Supervisors for the advancement of the visual, performing or literary arts.

20            Nothing in this section shall be construed to limit or abridge the powers or exclusive  
21    jurisdiction of the charitable trust departments or the California Academy of Sciences or the  
22    Library Commission over their activities; the land and buildings set aside for their use; or over  
23    the other assets entrusted to their care.

24            ///

25            ///

1     **SEC. 9.118. CONTRACT AND LEASE LIMITATIONS.**

2           (a) Unless otherwise provided for in this Charter, contracts entered into by a department,  
3     board or commission having anticipated revenue to the City and County of one million dollars or  
4     more, or the modification, amendment or termination of any contract which when entered into  
5     had anticipated revenue of one million dollars or more, shall be subject to approval of the Board  
6     of Supervisors by resolution. Contracts for an eligible 100% Affordable Housing Project or  
7     Teacher Housing Project as defined in Charter Section 16.126 shall not be subject to approval of  
8     the Board of Supervisors.

9           (b) Unless otherwise provided for in this Charter, and with the exception of construction  
10    contracts entered into by the City and County, any other contracts or agreements entered into by  
11    a department, board or commission having a term in excess of ten years, or requiring anticipated  
12    expenditures by the City and County of ten million dollars, or the modification or amendments to  
13    such contract or agreement having an impact of more than \$500,000 shall be subject to approval  
14    of the Board of Supervisors by resolution. Contracts or agreements for an eligible 100%  
15    Affordable Housing Project or Teacher Housing Project as defined in Charter Section 16.126  
16    shall not be subject to approval of the Board of Supervisors.

17          (c) Unless otherwise provided for in this Charter, any lease of real property for a period  
18    of ten or more years, including options to renew, or having anticipated revenue to the City and  
19    County of one million dollars or more; the modification, amendment or termination of any lease,  
20    which when entered into was for a period of ten or more years, including options to renew, or  
21    had anticipated revenue to the City and County of one million dollars or more; and any sale or  
22    other transfer of real property owned by the City and County, shall first be approved by  
23    resolution of the Board of Supervisors. Leases of property under the jurisdiction of the Port  
24    Commission for maritime use shall be exempt from the requirements of this section. The Board  
25    of Supervisors' approval under this Section 9.118(c) shall not be required for a ground lease of

1 real property for an eligible 100% Affordable Housing Project or Teacher Housing Project as  
2 defined in Charter Section 16.126, provided that the ground lease is no less than 55 years and no  
3 longer than 99 years.

4  
5 SECTION 4. PLANNING CODE AMENDMENTS. The Planning Code is hereby amended by  
6 adding new Section 344, and revising Section 101.1, to read as follows:

7 SEC. 344. STREAMLINED REVIEW OF 100% AFFORDABLE HOUSING AND  
8 TEACHER HOUSING PROJECTS.

9 (a) Purpose and Amendment. It is the intent of this Section 344 to exempt 100%  
10 Affordable Housing Projects and Teacher Housing Projects from any requirements for  
11 discretionary approvals by the Planning Commission, or other City decision-makers, consistent  
12 with the Charter. The Board of Supervisors may expand the application of this Section 344 and  
13 Municipal Code, Business and Tax Regulation Code Section 26 to other forms of housing by  
14 ordinance but shall not restrict its application to 100% Affordable Housing Projects and  
15 Teacher Housing Projects.

16 (b) Definitions and Eligibility.

17 (1) Definitions.

18 100% Affordable Housing. 100% Affordable Housing shall have the  
19 meaning set forth in Charter Section 16.126(a).

20 100% Affordable Housing Project. A 100% Affordable Housing Project  
21 shall have the meaning set forth in Charter Section 16.126(a).

22 MOHCD. The Mayor's Office of Housing and Community Development  
23 or its successor agency.

24 Teacher Housing Project. A Teacher Housing Project shall have the  
25 meaning set forth in Charter Section 16.126(a).

1                   (2) Eligibility. To be eligible for streamlining under this Section 344, projects  
2                   shall meet the following requirements:

3                   (A) The project shall be a 100% Affordable Housing Project or Teacher  
4                   Housing Project; and

5                   (B) The project shall be located on a site that (i) is not designated open  
6                   space under the jurisdiction of the Recreation and Park Department and used as a public park,  
7                   (ii) is not located in a zoning district that prohibits dwelling units, (iii) is not located in an RH-1,  
8                   RH-1(D), or RH-2 zoning district, and (iv) does not cause any removal or demolition of an  
9                   individual designated state or national landmark, or designated City landmarks or contributory  
10                  buildings in a designated historic district as provided in Planning Code Article 10, or a  
11                  Significant Building designated Category I or II as provided in Planning Code Article 11.

12                  (c) Notwithstanding any other provisions of the Municipal Code, including but not  
13                  limited to Business and Tax Regulation Code Section 26 and Sections 311 and 317 of this Code,  
14                  an eligible 100% Affordable Project or a Teacher Housing Project that complies with the Zoning  
15                  Maps, Height and Bulk Maps and objective standards of the Planning Code, including but not  
16                  limited to modifications permitted by Planning Code Sections 206 et seq., any discretionary  
17                  approval that could be authorized under the Planning Code, and the State Density Bonus Law,  
18                  shall be deemed consistent with the Planning Code and shall be considered ministerial actions,  
19                  as defined by California Code of Regulations, Title 14, Section 15369. If an eligible 100%  
20                  Affordable Housing Project or Teacher Housing Project would be permitted with a conditional  
21                  use authorization under any section of this Code, such project shall be considered a principally  
22                  permitted use, consistent with the Planning Code, and shall not require a conditional use permit  
23                  or authorization from the Planning Commission. All eligible 100% Affordable Housing Projects  
24                  or Teacher Housing Projects shall not require authorization by the Historic Preservation  
25                  Commission or the Planning Commission that otherwise may be required by the Planning Code.



1 No requests for discretionary review shall be accepted by the Planning Department or heard by  
2 the Planning Commission for eligible 100% Affordable Housing Projects and Teacher Housing  
3 Projects. Eligible 100% Affordable Housing Projects and Teacher Housing Projects shall not  
4 require a Certificate of Appropriateness under Planning Code Article 10 or a Permit to Alter  
5 under Planning Code Article 11, provided that the Planning Department shall develop and apply  
6 objective criteria for review that is substantially similar to the criteria for issuance of a  
7 Certificate of Appropriateness or a Permit to Alter, as applicable, to the design of a proposed  
8 100% Affordable Housing Project or Teacher Housing Project, but shall not have the authority  
9 to disapprove such projects. It is the intent of this section to exempt eligible 100% Affordable  
10 Housing Projects and Teacher Housing Projects from any requirements for review by the  
11 Planning Commission, Historic Preservation Commission, Board of Supervisors, and Board of  
12 Appeals.

13 (d) Adoption and Application of Objective Standard Measures. The Planning Director,  
14 in consultation with the Environmental Review Officer, shall adopt objective standard measures  
15 that shall be incorporated, if applicable, into the approval of 100% Affordable Housing Projects  
16 and Teacher Housing Projects. The measures may address, but are not limited to relevant topics  
17 such as archeology, air quality, greenhouse gas emissions, noise, historic resources, water  
18 supply, wind, and shadow.

19 (e) Design Review. The Planning Department shall conduct a review of the aesthetic  
20 elements of 100% Affordable Housing Projects and Teacher Housing Projects within 60 days of  
21 the submission of an application from the sponsor of a 100% Affordable Housing Project or a  
22 Teacher Housing Project. Design review shall be limited to the aesthetic aspects and design of  
23 the 100% Affordable Housing Project or Teacher Housing Project and not to the uses, density,  
24 height, zoning modifications, or any other approval or disapproval of the proposed eligible  
25 project.

1           (f) Compliance with Planning Code Article 4. A 100% Affordable Housing Project and  
2 a Teacher Housing Project shall comply with the requirements of Article 4, "Development  
3 Impact Fees and Project Requirements that Authorize the Payment of In-Lieu Fees," except as  
4 such projects or any portion of such projects may otherwise be exempt from such requirements,  
5 or in the event such requirements are reduced, adjusted, or waived as provided in Planning  
6 Code Article 4. Notwithstanding the foregoing or any provision to the contrary in Planning  
7 Code Article 4, a 100% Affordable Housing Project or a Teacher Housing Project shall not be  
8 required to comply with the Inclusionary Affordable Housing Requirements set forth in Planning  
9 Code Sections 415 et seq.

10           (g) Approval. Building permit applications for eligible 100% Affordable Housing  
11 Projects and Teacher Housing Projects that comply with the controls set forth in this Section 344  
12 shall be ministerially approved by the Planning Department and ministerially issued by the  
13 Department of Building Inspection and shall not be subject to Business and Tax Regulation Code  
14 Section 26 or an appeal to the Board of Appeals. Notwithstanding any contrary provision in the  
15 Municipal Code, such projects shall not require a Planning Code Article 3 authorization,  
16 discretionary review hearing, or any other Planning Commission or Historic Preservation  
17 Commission hearing. It is the intent of this Section 344 to exempt eligible 100% Affordable  
18 Housing Projects and Teacher Housing Projects from any requirements for review by the City,  
19 including but not limited to the Planning Commission, Historic Preservation Commission, Board  
20 of Supervisors, and Board of Appeals.

21  
22 **SEC. 101.1. GENERAL PLAN CONSISTENCY AND IMPLEMENTATION.**

23           (a) The General Plan shall be an integrated, internally consistent and compatible  
24 statement of policies for San Francisco. To fulfill this requirement, after extensive public  
25

1 participation and hearings, the Planning Commission shall in one action amend the General Plan  
2 by January 1, 1988.

3 (b) The following Priority Policies are hereby established. They shall be included in the  
4 preamble to the General Plan and shall be the basis upon which inconsistencies in the General  
5 Plan are resolved:

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

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

10 (3) That the City's supply of affordable housing be preserved and enhanced, and  
11 that new housing for households of all income levels be produced to meet the needs of City  
12 residents today and tomorrow;

13 (4) That commuter traffic not impede Muni transit service or overburden our  
14 streets or neighborhood parking;

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

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

20 (7) That landmarks and historic buildings be preserved; and,

21 (8) That our parks and open space and their access to sunlight and vistas be  
22 protected from development.

23 (c) The City may not adopt any zoning ordinance or development agreement authorized  
24 pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that  
25 adoption it has specifically found that the ordinance or development agreement is consistent with

1 the Priority Policies established above.

2 (d) The City may not adopt any zoning ordinance or development agreement authorized  
3 pursuant to Government Code Section 65865 after January 1, 1988, unless prior to that adoption  
4 it has specifically found that the ordinance or development agreement is consistent with the  
5 General Plan.

6 (e) Prior to issuing a permit for any project or adopting any legislation which requires an  
7 initial study under the California Environmental Quality Act, and prior to issuing a permit for  
8 any demolition, conversion or change of use, and prior to taking any action which requires a  
9 finding of consistency with the General Plan, the City shall find that the proposed project or  
10 legislation is consistent with the Priority Policies established above. For any such permit issued  
11 or legislation adopted after January 1, 1988 the City shall also find that the project is consistent  
12 with the General Plan. Notwithstanding anything to the contrary in this Section 101.1, an  
13 eligible 100% Affordable Housing Project or Teacher Housing Project as defined in Charter  
14 Section 16.126 shall be deemed to be consistent with this Section 101.1 and shall not require a  
15 separate finding of consistency with this Section 101.1.  
16

17 SECTION 5. BUSINESS AND TAX REGULATIONS CODE AMENDMENTS. The  
18 Business and Tax Regulations Code shall be amended by revising Section 26 to read as follows:

19 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

20 (a) Subject to Subsection (b) below, in the granting or denying of any permit, or the  
21 revoking or the refusing to revoke any permit, except for permits associated with an eligible  
22 100% Affordable Housing Project or Teacher Housing Project, as defined in Charter Section  
23 16.126, the granting or revoking power may take into consideration the effect of the proposed  
24 business or calling upon surrounding property and upon its residents, and inhabitants thereof; and  
25 in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its

1 sound discretion as to whether said permit should be granted, transferred, denied or revoked.

2 \* \* \* \*

3  
4 SECTION 6. CONFLICT WITH OTHER MEASURES. This Charter Amendment and  
5 Initiative Ordinance (collectively, "Initiative") will be deemed to conflict with any other measure  
6 appearing on the same ballot if such other measure addresses planning or zoning controls or  
7 project approval processes that would be applicable to 100% Affordable Housing Projects or  
8 Teacher Housing Projects as defined in Charter Section 16.126, whether the measure does so by  
9 specific application or as a more general enactment that could otherwise be applied to 100%  
10 Affordable Housing Projects or Teacher Housing Projects. In the event this Initiative and any  
11 other measure appearing on the same ballot are approved by the voters at the same election, and  
12 this Initiative receives a greater number of affirmative votes than any other conflicting measure  
13 appearing on the same ballot, this Initiative shall control in its entirety and the other measures  
14 shall be rendered void and without any legal effect. If this Initiative is approved by a majority of  
15 the voters but not does not receive a greater number of affirmative votes than any other  
16 conflicting initiative, this Initiative shall take effect to the extent permitted by law.

17  
18 SECTION 7. AMENDMENT. The provisions of this Initiative amending the Charter  
19 and San Francisco Codes may only be amended by the voters of the City and County of San  
20 Francisco except as specifically provided in the terms of the Initiative.

21  
22 SECTION 8. SEVERABILITY. If any provision of this Initiative or any application  
23 thereof to any person or circumstance is held invalid, such invalidity shall not affect any

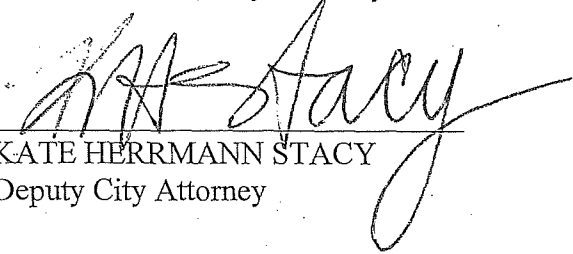
24 ///

25 ///

1 provision or application of this Initiative that can be given effect without the invalid provision or  
2 application. To this end, the provision of this Initiative are severable.

3  
4 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

5  
6 By:

7   
KATE HERRMANN STACY  
8 Deputy City Attorney

9 n:\legan\as2019\1900407\01355300.docx

**LEGISLATIVE DIGEST**

(First Draft, 4/23/2019)

[Charter Amendment and Initiative Ordinance - Non-Discretionary Review of 100% Affordable Housing and Teacher Housing Projects]

**Describing and setting forth a proposal to the voters at an election to be held on November 5, 2019, to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; and to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act.**

**Existing Law**

**San Francisco Charter**

The Charter currently requires certain kinds of discretionary review for certain kinds of decisions and permits, as follows.

Charter Section 4.105 requires referral to the Planning Department for a written report regarding consistency with the General Plan for certain approval actions by the Board of Supervisors. Section 4.105 also requires the Planning Commission to review permits and licenses dependent on the Planning Code, and permits the Planning Commission to delegate this function to Planning Department staff.

Charter Section 4.106 allows the Board of Appeals to hear and determine appeals with respect to any permit or license, except for a permit or license under the jurisdiction of the Recreation and Park Commission or Department, or the Port Commission, or a building or demolition permit for a project that has received a permit or license pursuant to a conditional use authorization.

Charter Section 4.135 requires the Historic Preservation Commission to review and approve certificates of appropriateness for work to designated landmarks or within historic districts. Section 4.135 also grants the Historic Preservation Commission the authority to review and approve applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts, and to determine whether an alteration may be considered a "minor" or "major" alteration and to delegate review of minor alterations to Planning Department staff. Section 4.135 requires Historic Preservation Commission review and report of ordinances and resolutions concerning historic preservation issues and

historic resources, redevelopment project plans, waterfront land use and project plans, and other matters as may be prescribed by ordinance involving historic resources.

Charter Section 5.103 requires the Arts Commission to review the design of any public structure or private structure on public land.

Charter Section 9.118(a) provides that City contracts having anticipated revenue to the City of 1 Million Dollars or more shall be subject to approval by the Board of Supervisors. Charter Section 9.118(b) provides that City agreements having a term in excess of ten years, or requiring anticipated expenditures by the City and County of 10 Million Dollars or more, shall be subject to approval of the Board of Supervisors. Charter Section 9.118(c) provides that any lease of real property for a period of 10 or more years, or having anticipated revenue to the City of 1 million dollars or more, and any sale or other transfer of real property owned by the City, shall be approved by the Board of Supervisors. Leases of property under the jurisdiction of the Port Commission for maritime use are exempt from Section 9.118(c).

#### San Francisco Planning Code

The Planning Code contains numerous notice, review and approval requirements applicable to proposed development projects generally, and the requirements vary depending on the type of project that is proposed and where it is located. Such requirements include conditional use permits, large project authorizations, variances, and modifications from Planning Code requirements, among other requirements. The Planning Code provides for discretionary review by the Planning Commission, which is required for certain kinds of projects or which may be requested by any member of the public.

In addition, there are streamlined procedures that are applicable to certain kinds of affordable housing projects. Planning Code Section 206.4 applies to a 100% affordable housing bonus project, which is a housing project that is exclusively affordable, providing housing for households making up to 80% of Area Median Income. The 100% affordable housing bonus program allows for certain objective zoning modifications in association with development bonuses, including a density bonus and height increase, and streamlined review.

Planning Code Section 315 also provides for streamlined review of housing projects that are 100% affordable, which is considered to be housing for households making up to 120% of Area Median Income. These affordable housing projects are considered a principally permitted use and must comply with administrative review procedures provided in Planning Code Section 315. An affordable housing project may seek exceptions to Planning Code requirements that may otherwise be available through the Planning Code without a Planning Commission hearing. The Planning Department will grant an exception that is equal to or less than the zoning modifications automatically granted to a 100% affordable housing bonus project in Planning Code Section 206.4. Any project granted such an exception will be considered to be consistent with the objective controls of the Planning Code.



There are other forms of streamlined review, including under Planning Code Section 206.6, which implements the California Density Bonus Law, for projects that provide on-site affordable housing in compliance with State law. The State Law offers three categories of benefits to incentivize on-site affordable housing - 35% additional density; up to three incentives or concessions (generally, defined as a reduction of development standards, modifications of zoning code requirements, or approval of mixed use zoning); and waivers from any local development standard if needed to construct on-site affordable housing. The amount of the density bonus and the number of incentives and concessions depends on the amount and level of affordability of the affordable units in the project.

Planning Code Section 101.1 contains 8 Priority Policies that the voters adopted in 1986. Policy Number 3 provides that the City's supply of affordable housing should be preserved and enhanced. Section 101.1 also requires a finding of consistency with the 8 Priority Policies prior to issuing a permit for any project or adopting any legislation that requires an initial study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion or change of use, and prior to taking any action that requires a finding of consistency with the General Plan.

#### San Francisco Business and Tax Regulations Code

San Francisco Business and Tax Regulations Code Section 26 provides the City with the discretionary authority to consider the effect of a proposed business or calling upon surrounding property and upon its residents, and inhabitants thereof; and to exercise its sound discretion as to whether any permit should be granted, transferred, denied or revoked.

#### State Law

There is California law, known as Senate Bill (SB) 35, which provides for streamlined, non-discretionary review of certain kinds of eligible residential projects that are 50% affordable housing, considered to be serving households making up to 80% of the Area Median Income. SB 35 requires the City to streamline the approval of eligible housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by the Planning Commission. Similarly, Assembly Bill (AB) 2162 requires that supportive housing must be a use that is permitted by right in zones where multifamily and mixed-use development is permitted. AB-2162 requires local entities to streamline the approval of housing projects containing a minimum amount of supportive housing by providing a ministerial approval process, removing the requirement for CEQA analysis and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by a Planning Commission. The Planning Department has provided guidance on how it implements these State laws in Director's Bulletin No. 5.

**Amendments to Current Law**

**San Francisco Charter Amendments**

New Charter Section 16.126 would provide as follows:

1. Definitions.

100% Affordable Housing: Residential units that are deed-restricted to be affordable to households with an income up to 140% of the unadjusted area median family income (AMI) for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD.

100% Affordable Housing Project: A project for the development of 100% Affordable Housing. In the alternative, a 100% Affordable Housing Project also is a mixed use development consisting of residential and nonresidential uses with at least two-thirds of the gross building square footage designated for residential use, which shall be restricted as 100% Affordable Housing. The maximum affordable rent or sales price for a unit in such project may be no higher than 20% below median market rents or sales prices for the neighborhood in which the 100% Affordable Housing Project is located. MOHCD would determine the allowable rents and sales prices, and the eligible households for such units accordingly. Any prior tenant who may return to the 100% Affordable Housing Project whose income exceeds 140% AMI would not change the definition of the housing project as a 100% Affordable Housing Project and cause the housing project to be excluded from the provisions of Section 16.126.

Teacher Housing Project: A project for the development of residential units, where no less than two-thirds of the units are deed-restricted to occupancy by at least one employee of the Unified School District or Community College District. A Teacher Housing Project is also a mixed use development consisting of residential and nonresidential uses with at least two-thirds of the gross building square footage designated for residential use, of which no less than two-thirds of the residential units shall be deed restricted to occupancy by at least one employee of the Unified School District or Community College District. The residential units that are deed-restricted to occupancy by these employees shall also be deed-restricted to be affordable to households with an income up to 140% of the unadjusted AMI. The maximum affordable rent or sales price for a unit in such project may be no higher than 20% below median market rents or sales prices for the neighborhood in which the Teacher Housing Project is located. MOHCD would determine the allowable rents and sales prices, and the eligible households for such units accordingly. Any prior tenant who may return to the Teacher Housing Project whose income exceeds 140% AMI would not change the definition of the housing project as a Teacher Housing Project and cause the housing project to be excluded from the provisions of Section 16.126.

2. Eligibility. In order to use the streamlined procedures contained in this Initiative ordinance, a 100% Affordable Housing Project or Teacher Housing Project may not be located on a site that (A) is designated open space under the jurisdiction of the Recreation and Park Department that is used as a public park, (B) is in a zoning district that prohibits dwelling units, (C) is located in an RH-1, RH-1(D), or RH-2 zoning district, or (D) causes any removal or demolition of a designated state or national landmark, or designated City landmark or contributory building in a designated historic district, or a Significant Building designated Category I or II.

3. Intent and Application. Section 16.126 intends to exempt eligible 100% Affordable Housing and Teacher Housing Projects from any requirements for discretionary approvals by the City, including but not limited to the Planning Commission, Historic Preservation Commission, Arts Commission, Board of Supervisors, and Board of Appeals. The Planning Department, in consultation with MOHCD, may adopt regulations to implement Section 16.126.

Section 16.126 would allow the City to enact ordinances applying the controls of Section 16.126, and the Charter provisions expressly related to Section 16.126, to additional forms of housing, but the City may not restrict its application to 100% Affordable Housing and Teacher Housing Projects.

#### Other Charter Amendments

Charter Section 4.105 amendments would not require a separate General Plan report for 100% Affordable Housing or Teacher Housing Projects by the Planning Department. If the Planning Department determines such projects to be consistent with the Planning Code, they would be deemed consistent with the General Plan and would not require a separate report. The amendment also would not require Planning Commission approval for permits, licenses, or other approvals for 100% Affordable Housing or Teacher Housing Projects.

The Charter Section 4.106 amendment would preclude an appeal to the Board of Appeal for permits and licenses for 100% Affordable Housing or Teacher Housing Projects.

Charter Section 4.135 amendments would provide that a Certificate of Appropriateness would not be required for construction of 100% Affordable Housing or Teacher Housing Projects in a historic district, provided that the Planning Department develops and applies objective criteria substantially similar to the criteria used for issuance of a Certificate of Appropriateness to review the design of such projects. The amendments also would preclude Historic Preservation Commission review of applications for permits to alter buildings for 100% Affordable Housing or Teacher Housing Projects, provided that the Planning Department develops and applies objective criteria substantially similar to the applicable criteria for issuance of a permit to alter to review the design of such projects. The amendments provide that Historic Preservation Commission review of ordinances and resolutions concerning historic preservation issues and historic resources, redevelopment project plans, waterfront

land use and project plans, and other matters as may be prescribed by ordinance is not required for 100% Affordable Housing or Teacher Housing Projects.

The Charter Section 5.103 amendment would provide that Arts Commission design review is not required for 100% Affordable Housing or Teacher Housing Projects.

Charter Section 9.118 amendments provide that Board of Supervisors approval is not required for (a) City contracts having anticipated revenue to the City of 1 Million Dollars or more, or (b) for City agreements having a term in excess of ten years, or requiring anticipated expenditures by the City and County of 10 Million Dollars or more, when such contracts or agreements may be required for 100% Affordable Housing or Teacher Housing Projects. Under Section 9.118(c) amendments, Board of Supervisors approval would not be required for ground leases of real property, when the terms of such ground leases are no less than 55 years and no longer than 99 years for 100% Affordable Housing and Teacher Housing Projects.

#### San Francisco Planning Code Amendments

The Planning Code amendments would add new Planning Code Section 344, which includes the same definitions and eligibility requirements as proposed Charter Section 16.126, as well as specific provisions that reflect the Charter amendments. New Section 344 more specifically would provide that 100% Affordable or Teacher Housing Projects that comply with the Zoning Maps, Height and Bulk Maps and objective standards of the Planning Code, including but not limited to modifications permitted by Planning Code Sections 206 *et seq.*, any discretionary approval that could be authorized under the Planning Code, and the State Density Bonus Law, would be deemed consistent with the Planning Code and would be considered ministerial actions. If a 100% Affordable Housing or Teacher Housing Project would be permitted with a conditional use authorization, such project would be considered a principally permitted use, consistent with the Planning Code, and would not require a conditional use permit or authorization from the Planning Commission.

Section 344 would further provide that 100% Affordable Housing or Teacher Housing Projects would not require authorization by the Historic Preservation Commission or the Planning Commission. No requests for discretionary review could be accepted by the Planning Department or heard by the Planning Commission for 100% Affordable Housing and Teacher Housing Projects. 100% Affordable Housing and Teacher Housing Projects would not require a Certificate of Appropriateness under Planning Code Article 10 or a Permit to Alter under Planning Code Article 11, provided that the Planning Department develops and applies objective criteria for review that is substantially similar to the criteria for issuance of a Certificate of Appropriateness or a Permit to Alter to the design of a proposed 100% Affordable Housing or Teacher Housing Project, but the Planning Department would not have the authority to disapprove such projects. Section 344 states that it is intended to exempt eligible 100% Affordable Housing and Teacher Housing Projects from any requirements for

review by the Planning Commission, Historic Preservation Commission, Board of Supervisors, and Board of Appeals.

Section 344 would require the Planning Director, in consultation with the Environmental Review Officer, to adopt objective standard measures that would be incorporated, if applicable, into the approval of 100% Affordable Housing and Teacher Housing Projects. The measures could address, but would not be limited to relevant topics such as archeology, air quality, greenhouse gas emissions, noise, historic resources, water supply, wind, and shadow.

Section 344 would require the Planning Department to conduct a review of the aesthetic elements of 100% Affordable Housing and Teacher Housing Projects within 60 days of the submission of an application from the project sponsor. Design review would be limited to the aesthetic aspects and design of the 100% Affordable Housing or Teacher Housing Project and not to the uses, density, height, zoning modifications, or any other approval or disapproval of the proposed eligible project.

Section 344 would require 100% Affordable Housing and Teacher Housing Projects to comply with the requirements of Planning Code Article 4, "Development Impact Fees and Project Requirements that Authorize the Payment of In-Lieu Fees," except as such projects or any portion of such projects may otherwise be exempt from such requirements, or in the event such requirements are reduced, adjusted, or waived as provided in Planning Code Article 4. 100% Affordable Housing and Teacher Housing Projects would not be required to comply with the Inclusionary Affordable Housing Requirements set forth in Sections 415 *et seq.*

Section 344 would provide for ministerial approval of building permit applications for 100% Affordable Housing and Teacher Housing Projects that comply with the controls in Section 344 and would not permit an appeal to the Board of Appeals. Such projects would not require a Planning Code Article 3 authorization, discretionary review hearing, or any other Planning Commission or Historic Preservation Commission hearing. Section 344 would exempt eligible 100% Affordable Housing Projects and Teacher Housing Projects from any requirements for discretionary review by the City, including but not limited to the Planning Commission, Historic Preservation Commission, Board of Supervisors, and Board of Appeals.

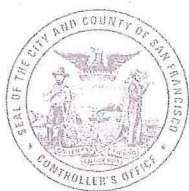
Amendment to Section 101.1: An amendment to Priority Policy #3 contained in Planning Code Section 101.1 would add a provision stating that new housing for households of all income levels should be produced to meet the needs of all City residents today and tomorrow. Section 101.1 would also be amended so that a separate finding of consistency with Section 101.1 would not be required for 100% Affordable Housing or Teacher Housing Projects.

FILE NO. 190437

San Francisco Business and Tax Regulations Code Amendment

The San Francisco Business and Tax Regulations Code Section 26 would be amended to preclude discretionary review for permits associated with 100% Affordable Housing or Teacher Housing Projects.

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**OFFICE OF THE CONTROLLER**  
**CITY AND COUNTY OF SAN FRANCISCO**

Ben Rosenfield  
Controller

Todd Rydstrom  
Deputy Controller

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

July 1, 2019

RE: File 190437 – Charter amendment and initiative ordinance eliminating discretionary review and certain appeals for 100 percent affordable and teacher housing projects

Dear Ms. Calvillo,

Should the proposed charter amendment and initiative ordinance ("Legislation") be approved by the voters, in my opinion, it would have a minimal to moderate impact on the cost of government.

The proposed Legislation removes the Charter requirement for discretionary review of 100 percent affordable housing projects (for residents with an income up to 140 percent of Area Median Income) and teacher housing projects where at least two-thirds of units are occupied by at least one employee of the San Francisco Unified School District or Community College District. The proposed Legislation also eliminates appeals of ministerial approval of these projects and removes the requirement for a finding of General Plan consistency and certain approvals by the Historic Preservation Commission, Arts Commission, and Board of Supervisors.

The Legislation amends the Planning code, replacing Planning Commission approval of eligible projects with ministerial Planning Department approval based on design review and standard environmental review measures to be adopted by the Planning Department. The City's affordable housing projects could see cost savings due to shorter development and construction timelines and lower inflation on project costs.

In the year and a half since the effective date of Senate Bill 35, which allows for streamlined approval of affordable housing projects, six 100 percent affordable housing projects have gone through the discretionary review process and paid fees. The City anticipates eight to nine new projects of this type annually.

Sincerely,

  
Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

BOARD of SUPERVISORS



City Hall  
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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

April 30, 2019

File No. 19437

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

Dear Ms. Gibson:

On April 23, 2019, the following proposed Charter Amendment and Initiative Ordinance for the November 5, 2019, Election was received by the Board of Supervisors' Rules Committee:

**File No. 190437**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; an Initiative Ordinance to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 5, 2019.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Victor Young".

By: Victor Young, Assistant Clerk  
Rules Committee

Attachment

- c: Devyani Jain, Deputy Environmental Review Officer
- Joy Navarrete, Environmental Planning
- Laura Lynch, Environmental Planning

CEQA Clearance under Planning Department Case  
No. 2019-006081ENV Addendum 5 to Environmental  
Impact Report, San Francisco 2004 and 2009  
Housing Element, (2007.1275E).





## SAN FRANCISCO PLANNING DEPARTMENT

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### Addendum 5 to Environmental Impact Report

*Addendum Date:* June 5, 2019  
*Case No.:* 2019-006081ENV  
*Project Title:* BOS File No. 190437: Non-Discretionary Review of 100 Percent Affordable Housing and Teacher Housing Projects  
*EIR:* San Francisco 2004 and 2009 Housing Element, 2007.1275E  
SCL No. 2008102033, certified March 24, 2011, recertified April 24, 2014  
*Project Sponsors:* Mayor London Breed; Supervisors Brown and Safai  
*Sponsor Contact:* Kate Conner, (415) 575-6914, [kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Michael Li, (415) 575-9107, [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

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Information:  
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#### REMARKS

This document is an addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report ("2004 and 2009 Housing Element FEIR" or "FEIR"). Its purpose is to explain and substantiate the Planning Department's determination that no supplemental or subsequent environmental review is required prior to adoption of proposed legislation to streamline the review process for eligible projects that would provide 100% affordable housing or housing for teachers and employees of the San Francisco Unified School District ("SFUSD") or Community College District ("modified project"). As described more fully below, the modified project implements the policies and programs of the 2014 Housing Element. The Planning Department has determined that the environmental impacts of the modified project have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed legislation would not result in any new or more severe environmental impacts than were identified in the FEIR.

#### Background

On April 24, 2014, the San Francisco Planning Commission ("Planning Commission") certified the 2004 and 2009 Housing Element FEIR pursuant to the California Environmental Quality Act ("CEQA").<sup>1</sup>

On June 17, 2014, the San Francisco Board of Supervisors ("Board") adopted the 2009 Housing Element as the Housing Element of the *San Francisco General Plan* ("General Plan").

In response to the proposed 2014 Housing Element, which updated the Data and Needs Analysis of the 2009 Housing Element and added five additional policies, the San Francisco Planning Department

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<sup>1</sup> San Francisco Planning Department, *2004 and 2009 Housing Element Final Environmental Impact Report*, April 24, 2014. Case No. 2007.1275E, <https://sfgov.org/sfplanningarchive/environmental-impact-reports-negative-declarations>, accessed on May 16, 2019. Unless otherwise noted, all documents cited in this report are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case No. 2019-006081ENV.

("Planning Department") prepared Addendum 1 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 1, issued by the Planning Department on January 22, 2015, the Board found that no additional environmental review was required beyond the review in the FEIR.<sup>2</sup> On April 27, 2015, the Board adopted the 2014 Housing Element.

In response to proposed legislation to amend the locations in which accessory dwelling units ("ADUs") may be constructed, the Planning Department prepared Addendum 2 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 2, issued by the Planning Department on July 14, 2015, the Board found that no additional environmental review was required beyond the review in the FEIR.<sup>3</sup> On September 8, 2015, the Board adopted the proposed legislation allowing the construction of ADUs in Supervisorial Districts 3 and 8.

In response to proposed legislation that would create a program allowing the construction of taller and denser buildings in exchange for a higher number of affordable dwelling units (the "Affordable Housing Bonus Program" or the "AHBP," now known as "HOME-SF"), the Planning Department prepared Addendum 3 to the 2004 and 2009 Housing Element FEIR. The Planning Department issued Addendum 3 on January 14, 2016.<sup>4</sup> On June 6, 2017, the Board adopted the proposed legislation creating the HOME-SF program.

In response to proposed legislation that would allow the construction of ADUs on a citywide basis, the Planning Department prepared Addendum 4 to the 2004 and 2009 Housing Element FEIR.<sup>5</sup> On May 2, 2017, the Board adopted the proposed legislation allowing the construction of ADUs on a citywide basis.

### *San Francisco 2014 Housing Element*

The Housing Element is a component of the *General Plan* and establishes the City's overall housing policies. California State Housing Element law (California Government Code Section 65580 et seq.) requires local jurisdictions to adequately plan for and address the housing needs of all segments of its population in order to attain the region's share of projected statewide housing goals. This law requires local governments to plan for their existing and projected housing needs by facilitating the improvement and development of housing and removing constraints on development opportunities. San Francisco's 2014 Housing Element was required to plan for an existing and projected housing need of 28,869 new dwelling units. The

<sup>2</sup> San Francisco Planning Department, *Addendum to 2004 and 2009 Housing Element Final Environmental Impact Report, 2014 Housing Element*, January 22, 2015, Case No. 2014.1327E. Available at [http://sfmea.sfplanning.org/2014.1327E\\_Add.pdf](http://sfmea.sfplanning.org/2014.1327E_Add.pdf), accessed on May 10, 2019.

<sup>3</sup> San Francisco Planning Department, *Addendum 2 to 2004 and 2009 Housing Element Final Environmental Impact Report, Accessory Dwelling Units in Supervisorial Districts 3 and 8*, July 14, 2015, Case No. 2015-005350ENV. Available at [http://sfmea.sfplanning.org/2015-005350ENV\\_Addendum%20to%20Housing%20Element%20FEIR\\_D3%20and%20D8%20ADU%20Leg%20\(2\).pdf](http://sfmea.sfplanning.org/2015-005350ENV_Addendum%20to%20Housing%20Element%20FEIR_D3%20and%20D8%20ADU%20Leg%20(2).pdf), accessed on May 10, 2019.

<sup>4</sup> San Francisco Planning Department, *Addendum 3 to 2004 and 2009 Housing Element Final Environmental Impact Report, Affordable Housing Bonus Program*, January 14, 2016, Cases No. 2014.1304E and 2014-001503GPA. Available at [http://sfmea.sfplanning.org/2014.1304E\\_AHBP\\_Addendum03\\_011416%20Final.pdf](http://sfmea.sfplanning.org/2014.1304E_AHBP_Addendum03_011416%20Final.pdf), accessed on May 10, 2019.

<sup>5</sup> San Francisco Planning Department, *Addendum 4 to 2004 and 2009 Housing Element Final Environmental Impact Report, Construction of Accessory Dwelling Units*, June 15, 2016, Case No. 2016-004042ENV. Available at [http://sfmea.sfplanning.org/2016-004042ENV\\_Addendum.pdf](http://sfmea.sfplanning.org/2016-004042ENV_Addendum.pdf), accessed on May 10, 2019.

2014 Housing Element includes the following objectives and policies related to providing permanently affordable housing and streamlining the review process:

- OBJECTIVE 8: Build public and private sector capacity to support, facilitate, provide and maintain affordable housing.
  - Policy 8.1: Support the production and management of permanently affordable housing.
  - Policy 8.2: Encourage employers located within San Francisco to work together to develop and advocate for housing appropriate for employees.
- OBJECTIVE 10: Ensure a streamlined, yet thorough, and transparent decision-making process.
  - Policy 10.1: Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.
  - Policy 10.2: Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

#### PROPOSED LEGISLATION

On April 23, 2019, Mayor Breed introduced legislation (Board File No. 190437) to the Board that would amend the City Charter, the Planning Code, and the Business and Tax Regulations Code to streamline the review process for eligible projects that would provide 100% affordable housing or housing for teachers and employees of the SFUSD or Community College District by (1) limiting discretionary review by City boards and commissions and (2) providing for ministerial review by the Planning Department in lieu of approvals by or appeals to certain City boards and commissions. The modified project would implement the objectives and policies of the 2014 Housing Element discussed above.

The modified project defines affordable housing as a project where at least two-thirds of the gross building square footage is designated for residential use, which would be entirely restricted as affordable housing, defined to be residential units that are deed-restricted to be affordable to households with an income up to 140% of the unadjusted area median family income (AMI).

Teacher housing is defined to be a project with at least two-thirds of the gross building square footage designated for residential use, of which no less than two-thirds of the residential units would be deed restricted to occupancy by at least one employee of the SFUSD or Community College District. The residential units that are deed-restricted to occupancy by these employees would also be deed-restricted to be affordable to households with an income up to 140% of the unadjusted AMI.

In order to use the streamlined process, a project may not be located on a site that (a) is designated open space under the jurisdiction of the Recreation and Park Department that is used as a public park, (b) is in a zoning district that prohibits dwelling units, (c) is located in an RH-1, RH-1(D), or RH-2 zoning district, or (d) causes any removal or demolition of a designated state or national landmark, or designated City landmark or contributory building in a designated historic district, or a Significant Building designated Category I or II.

The modified project provides that the eligible affordable or teacher housing projects that comply with the Zoning Maps, Height and Bulk Maps and objective standards of the Planning Code, including but not

limited to modifications permitted by Planning Code Sections 206 *et seq.*, any discretionary approval that could be authorized under the Planning Code, and the State Density Bonus Law, would be deemed consistent with the Planning Code and would be considered ministerial actions. If an affordable or teacher housing project would be permitted with a conditional use authorization, such project would be considered a principally permitted use, consistent with the Planning Code, and would not require a conditional use permit or authorization from the Planning Commission.

The proposed legislation requires the Planning Director, in consultation with the Environmental Review Officer, to adopt objective standard measures that would be incorporated, as applicable, into the housing projects. The measures could address, but are not limited to, relevant topics such as archeology, air quality, greenhouse gas emissions, noise, historic resources, water supply, wind, and shadow. The proposed legislation intends to exempt eligible affordable and teacher housing projects from any requirements for discretionary approvals by the City, including but not limited to the Planning Commission, Historic Preservation Commission, Arts Commission, Board of Supervisors, and Board of Appeals.

The modified project would change how eligible projects are reviewed and approved; it would not change zoning controls to allow housing in areas where housing is currently not permitted, would not increase residential density limits, and would not increase height limits.

### Project Approvals

The proposed legislation consists of amendments to the City Charter, the Planning Code, and the Business and Tax Regulations Code and requires the Board of Supervisors to vote to submit the amendments to the voters for the November 5, 2019 election.

### PROJECT SETTING

San Francisco is a consolidated city and county located on the tip of the San Francisco Peninsula with the Golden Gate Strait to the north, San Francisco Bay to the east, San Mateo County to the south, and the Pacific Ocean to the west. San Francisco has an area of approximately 49 square miles. Although San Francisco is densely developed, there are vacant and underused lots that can be developed or redeveloped. These lots are located throughout San Francisco, and many are currently zoned to allow residential uses.

San Francisco already has several programs that streamline affordable housing. For example, Planning Code Section 206.4 applies to a 100% affordable housing bonus project, which is a housing project that is exclusively affordable, providing housing for households making up to 80% of Area Median Income. The 100% affordable housing bonus program allows for certain objective zoning modifications in association with development bonuses, including a density bonus and height increase, and streamlined review.

Planning Code Section 315 also provides for streamlined review of housing projects that are 100% affordable, which is considered to be housing for households making up to 120% of Area Median Income. These affordable housing projects are considered a principally permitted use and must comply with administrative review procedures provided in Planning Code Section 315. These kinds of affordable housing projects may seek exceptions to Planning Code requirements that may otherwise be available through the Planning Code without a Planning Commission hearing. The Planning Department will grant an exception that is equal to or less than the zoning modifications automatically granted to a 100% affordable housing bonus project in

Planning Code Section 206.4. Any project granted such an exception will be considered to be consistent with the objective controls of the Planning Code.

Planning Code Section 206.6 implements the California Density Bonus Law, for projects that provide on-site affordable housing in compliance with State law. The State Law offers three categories of benefits to incentivize on-site affordable housing - 35% additional density; up to three incentives or concessions (generally, defined as a reduction of development standards, modifications of zoning code requirements, or approval of mixed use zoning); and waivers from any local development standard if needed to construct on-site affordable housing. The amount of the density bonus and the number of incentives and concessions depends on the amount and level of affordability of the affordable units in the project.

State law has also provided for streamlined review of certain kinds of affordable housing projects. Senate Bill (SB) 35 provides for streamlined, non-discretionary review of certain kinds of eligible residential projects that are 50% affordable housing, which is considered to be for households making up to 80% of the Area Median Income. SB 35 requires the City to streamline the approval of eligible housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by the Planning Commission. Similarly, Assembly Bill (AB) 2162 requires that supportive housing must be a use that is permitted by right in zones where multifamily and mixed-use development is permitted. AB 2162 requires local entities to streamline the approval of housing projects containing a minimum amount of supportive housing by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by a local Planning Commission.

#### ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

San Francisco Administrative Code Section 31.19(c)(1) states that a modified project must be reevaluated and that “[i]f, on the basis of such reevaluation, the Environmental Review Officer (“ERO”) determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter.”

CEQA Guidelines Section 15164 provides for the use of an addendum to document the basis of a lead agency’s decision not to require a Subsequent or Supplemental EIR for a change to a project that has been analyzed in a certified EIR. The lead agency’s decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present.

The modified project, which would streamline the review process for affordable and teacher housing projects, would not result in any new significant environmental impacts, substantially increase the severity of previously identified impacts, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR or the previous addenda. The impacts associated with the modified project would be substantially the same as those disclosed in the FEIR, and thus no supplemental or subsequent EIR is required. In addition, any changes to the rate and types of housing applications and review of such applications in San Francisco would not be substantially different from the

local programs that are already established, as well as the streamlined review required by SB 35 and AB 2162. The proposed legislation expands the definition of affordable housing up to households earning 140% of local AMI, but this difference in AMI is not expected to lead to any different kinds of impacts. The following discussion provides further explanation for this conclusion.

#### Environmental Impacts of the 2004 and 2009 Housing Element FEIR

The 2009 Housing Element adopted policies that generally encouraged housing and higher density housing along transit lines and in proximity to other infrastructure and neighborhood services, such as open space and childcare providers. The 2009 Housing Element policies also encouraged higher density through a community planning process and, for affordable housing projects, promoted the construction of multifamily housing.

The 2004 and 2009 Housing Element FEIR identified less-than-significant environmental impacts for the following environmental topics:

- Land Use and Land Use Planning
- Aesthetics
- Population and Housing
- Cultural and Paleontological Resources
- Air Quality
- Greenhouse Gas Emissions
- Wind and Shadow
- Recreation
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Mineral and Energy Resources
- Agricultural and Forest Resources.

Detailed discussions of these less-than-significant impacts were included in Addendum 3 and Addendum 4 to the 2004 and 2009 Housing Element FEIR, and the discussions and findings from those previous addenda are incorporated herein by reference.

The FEIR found that adoption of the 2009 Housing Element would potentially result in significant environmental impacts on the transit network that could not be mitigated to less-than-significant levels with implementation of feasible mitigation measures.

The FEIR found that significant impacts related to encouraging new residential development along streets with noise levels above 75 dBA  $L_{dn}$  could be avoided or reduced to less-than-significant levels with mitigation, and a mitigation measure addressing this issue (Mitigation Measure M-NO-1: Interior and Exterior Noise ) was incorporated into the adopted Housing Element as an implementation measure.<sup>6,7</sup> Mitigation Measure M-NO-1 requires a noise analysis to be conducted for any new residential development located along a street with ambient noise levels exceeding 75 dBA  $L_{dn}$  in order to demonstrate that the noise

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<sup>6</sup> The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

<sup>7</sup> The  $L_{dn}$  is the  $L_{eq}$ , or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). The  $L_{eq}$  is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

standards set forth in Title 24 can be met. In addition, any required open space for a new residential development must be protected to the maximum extent feasible from ambient noise that could be annoying or disruptive to users of the open space. Mitigation Measure M-NO-1 was adopted as Implementation Measures 17 and 18 in both the 2009 Housing Element and the 2014 Housing Element.

The policies in the 2014 Housing Element were substantially the same as those in the 2009 Housing Element, and the adoption of the 2014 Housing Element did not change the conclusions in the FEIR.

#### *Changed Circumstances Since the Certification of the FEIR*

Since the certification of the FEIR, a number of revisions have been made to the Planning Code, *General Plan*, and other city policies and regulations (e.g., the Inclusionary Housing Program, Standards for Bird-Safe Buildings, the Transportation Sustainability Fee) related to housing and development in San Francisco. Most changes to the Planning Code and other documents can be found on the Planning Department's website: <http://sf-planning.org/planning-code-change-summaries>. Those changes were independent from the adoption of the Housing Element and have undergone independent review under CEQA. The revisions primarily pertain to neighborhood-specific issues, and none of them would result in changes that substantially deviate from the overarching goals and objectives that were articulated in the 2009 or 2014 Housing Element (such as directing growth to certain areas of the City, promoting preservation of residential buildings, etc.) in a way that could render the conclusions in the FEIR invalid or inaccurate. These revisions to the regulatory environment also would not be expected to increase the severity of impacts discussed in the FEIR. Furthermore, no new information has emerged that would materially change the analyses or conclusions set forth in the FEIR. Any additional draft amendments proposed for adoption, but not yet adopted, would be reviewed for environmental impacts prior to adoption.

#### *Changes to Housing Projections*

The FEIR contains population and housing projections that have since been updated. As reported in the 2014 Housing Element, the 2012 American Community Survey estimated San Francisco's population to be about 807,755.<sup>8</sup> The Association of Bay Area Governments projects continued population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed over the next 18 years.<sup>9</sup> In comparison, the 2009 Housing Element projected San Francisco's population at 934,000 by 2030. Household growth, an approximation of the demand for housing, currently indicates a need for some 72,530 new units in the 18 years from 2012 to 2030. As with the 2009 and 2014 Housing Elements, the modified project would not change the population and housing projections, because those projections are due to and influenced by births, deaths, migration rates, and employment growth. Rather, the modified project would streamline the review process for certain types of housing units (100% affordable housing and housing for teachers and employees of the SFUSD or Community College District) that would be constructed to meet demand.

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<sup>8</sup> San Francisco Planning Department, *2014 Housing Element, Part I*, p. I.4.

<sup>9</sup> Association of Bay Area Governments, *Projections 2013*, p. 75.

### Environmental Impacts of the Modified Project

As discussed above, the modified project would change how a certain group of eligible projects are reviewed and approved. Streamlining the review process could result in eligible projects being constructed and occupied more quickly than under existing procedures.

The modified project would not change zoning controls to allow housing in areas where housing is currently not permitted, would not increase residential density limits, and would not increase height limits. For these reasons, the modified project would not result in the construction of housing units in excess of the number of housing units analyzed in the FEIR and the previous addenda. Therefore, the environmental impacts of housing proposed under the modified project have already been analyzed in the FEIR and the previous addenda. The modified project would not result in any new significant environmental impacts, substantially increase the severity of previously identified impacts, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR or the previous addenda.

Since the impacts of the modified project would not be greater than the impacts of the HOME-SF and citywide ADU legislation, the analysis conducted as part of previous addenda are applicable to the modified project. Detailed discussions of the environmental impacts of constructing housing under HOME-SF and constructing ADUs on a citywide basis were included in Addendum 3 and Addendum 4 to the 2004 and 2009 Housing Element FEIR, respectively. The discussions and findings from those previous addenda are applicable to the modified project and are incorporated herein by reference.

### *Applicability of FEIR Noise Mitigation Measure*

As discussed above, the 2004 and 2009 Housing Element FEIR identified Mitigation Measure M-NO-1: Interior and Exterior Noise, to mitigate the potentially significant impact related to interior and exterior noise to a less-than-significant level. Mitigation Measure M-NO-1 requires a noise analysis to be conducted for any new residential development located along a street with ambient noise levels exceeding 75 dBA L<sub>dn</sub> in order to demonstrate that the noise standards set forth in Title 24 can be met. In addition, any required open space for a new residential development must be protected to the maximum extent feasible from ambient noise that could be annoying or disruptive to users of the open space.

Housing proposed under the modified project would be required to comply with City requirements such as the noise standards set forth in Title 24 of the California Code of Regulations as well as the provisions of the San Francisco Noise Ordinance. In addition, CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards. The addition of housing under the modified project is not expected to exacerbate existing environmental hazards. Residential uses generally do not generate excessive levels of noise like some types of commercial or industrial uses (e.g., nightclubs or auto repair facilities). The impacts related to noise were already analyzed in the FEIR and previous addenda, and the modified project would not result in any new significant environmental impacts or substantially increase the severity of previously identified impacts related to noise. For these reasons, FEIR Mitigation Measure M-NO-1 is not applicable to the modified project.



### *New Topics in the Environmental Checklist Form*

At the time of the preparation of the FEIR, the topics of forest resources and wildfire were not part of the Environmental Checklist Form (CEQA Guidelines, Appendix G). For this reason, the FEIR did not analyze impacts related to forest resources or wildfire.

In 2010, the topic of forest resources was added to the Environmental Checklist Form. San Francisco does not contain forest land or timberland as defined in Public Resources Code Section 12220(g) and Public Resources Code Section 4526, respectively. The modified project would not convert forest land or timberland to non-forest use and would not conflict with existing zoning related to forest use. For these reasons, the modified project would have no impact on forest resources, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures.

In 2019, the topic of wildfire was added to the Environmental Checklist Form. According to the California Department of Forestry and Fire Protection, San Francisco is not in or near a state responsibility area or a local responsibility area that is classified as a Very High Fire Hazard Severity Zone.<sup>10</sup> For this reason, the modified project would have no impact related to wildfire, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures.

### MITIGATION MEASURES

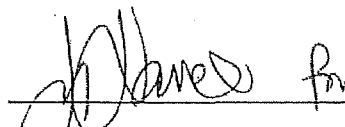
As discussed above, FEIR Mitigation Measure M-NO-1 is not applicable to the modified project. No other FEIR mitigation measures are applicable, and no new mitigation measures have been identified in this Addendum 5.

### CONCLUSION

Based on the foregoing, it is concluded that the analyses conducted and the conclusions reached in the Final EIR certified on April 24, 2014 remain valid. The modified project would not cause new significant impacts not identified in the FEIR, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the modified project that would cause significant environmental impacts to which the modified project would contribute considerably, and no new information has become available that shows that the modified project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

DATE 6/5/2019

  
\_\_\_\_\_  
Lisa Gibson, Environmental Review Officer  
for John Rahaim, Director of Planning

<sup>10</sup> California Department of Forestry and Fire Protection, *Fire Hazard Severity Zones in State Responsibility Areas*, available at [http://frap.fire.ca.gov/webdata/maps/statewide/fhszs\\_map.pdf](http://frap.fire.ca.gov/webdata/maps/statewide/fhszs_map.pdf), accessed on May 24, 2019, and *Draft Fire Hazard Severity Zones in Local Responsibility Areas*, available at [http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06\\_1\\_map.pdf](http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06_1_map.pdf), accessed on May 24, 2019.

OFFICE OF THE MAYOR  
SAN FRANCISCO



RECEIVED  
OF SUPERVISORS  
SAN FRANCISCO

LONDON N. BREED  
MAYOR

2019 APR 23 PM 4:19

BY 

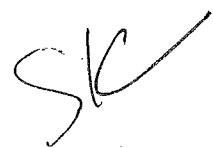
TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Sophia Kittler  
RE: Charter Amendment and Initiative Ordinance - Non-Discretionary Review  
of 100% Affordable Housing and Teacher Housing Projects  
DATE: April 23, 2019

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**Describing and setting forth a proposal to the voters at an election to be held on November 5, 2019, to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; and to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Please note that Supervisors Brown and Safai are co-sponsors of this legislation.

Should you have any questions, please contact Sophia Kittler at 415-554-6153.



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: John Rahaim, Director, Planning Department  
Sophia Kittler, Mayor's Office  
Kate Hartley, Director, Mayor's Office of Housing and Community Development (MOHCD)  
Julie Rosenberg, Executive Director, Board of Appeals  
Jonas Ionin, Historic Preservation Commission  
Tom DeCaigny, Director, Arts Commission  
Jon Givner, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
Nadia Sesay, Executive Director, Office of Community Investment and Infrastructure  
Vincent C. Matthews, Ed.D., Superintendent, SFUSD  
([MatthewsV@sfusd.edu](mailto:MatthewsV@sfusd.edu))  
Steve Bruckman, Community College District ([sbruckman@ccsf.edu](mailto:sbruckman@ccsf.edu))

FROM: Victor Young, Assistant Clerk, Rules Committee  
Board of Supervisors

A handwritten signature in dark ink, appearing to read "Victor Young".

DATE: April 30, 2019

SUBJECT: INITIATIVE ORDINANCE INTRODUCED  
November 5, 2019 Election

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The Board of Supervisors' Rules Committee has received the following Charter Amendment and Initiative Ordinance for the November 5, 2019, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 190437

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; an Initiative Ordinance to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 5, 2019.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: [victor.young@sfgov.org](mailto:victor.young@sfgov.org). To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Scott Sanchez, Planning Department  
Corey Teague, Planning Department  
Lisa Gibson, Planning Department  
Devyani Jain, Planning Department  
AnMarie Rodgers, Planning Department  
Dan Sider, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department  
Andres Power, Mayor's Office  
Eugene Flannery, MOHCD  
Gary Cantara, Board of Appeals  
Tim Frye, Historic Preservation Commission  
Andrea Ruiz-Esquide, Historic Preservation Commission  
Georgia Powell, Planning Department  
Susan Pontious, Arts Commission  
Rebekah Krell, Arts Commission  
Sharon Page Ritchie, Arts Commission  
Anne Trickey, Arts Commission  
Lucinda Nguyen, Office of Community Investment and Infrastructure  
Viva Mongi, SFUSD ([mogiv@sfusd.edu](mailto:mogiv@sfusd.edu))  
Ester Casco, SFUSD ([CascoE@sfusd.edu](mailto:CascoE@sfusd.edu))  
Danielle Houck, SFUSD([daniellehouck@sfusd.edu](mailto:daniellehouck@sfusd.edu))  
Ronald Gerhard, CCSF ([rgerhard@ccsf.edu](mailto:rgerhard@ccsf.edu))

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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee  
Board of Supervisors

DATE: April 30, 2019

SUBJECT: CHARTER AMENDMENT AND INITIATIVE ORDINANCE INTRODUCED  
November 5, 2019 Election

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The Board of Supervisors' Rules Committee has received the following Charter Amendment and Initiative Ordinance for the November 5, 2019, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

**File No. 190437**

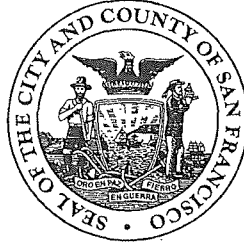
**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; an Initiative Ordinance to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 5, 2019.**

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: [victor.young@sfgov.org](mailto:victor.young@sfgov.org). To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller  
Peg Stevenson, City Performance Director  
Natasha Mihal, City Services Auditor

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

April 30, 2019

File No. 19437

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

Dear Ms. Gibson:

On April 23, 2019, the following proposed Charter Amendment and Initiative Ordinance for the November 5, 2019, Election was received by the Board of Supervisors' Rules Committee:

**File No. 190437**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; an Initiative Ordinance to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 5, 2019.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Victor Young".

By: Victor Young, Assistant Clerk  
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Laura Lynch, 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: Victor Young, Assistant Clerk  
Rules Committee

DATE: April 30, 2019

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Rules Committee

The Board of Supervisors' Rules 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. 180437**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; an Initiative Ordinance to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 5, 2019.

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.

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RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

\_\_\_\_ No Comment  
\_\_\_\_ Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission



**SPUR**

San Francisco | San Jose | Oakland

June 21, 2019

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

RE: Non-Discretionary Review of 100% Affordable Housing and Teacher Housing Projects  
(Board File No. 190437)

Dear Supervisors:

SPUR urges you to support placing this proposed charter amendment on the ballot in order to streamline the review and approval of 100% affordable housing and housing for educators. We believe the passage of this measure will have a real impact on how quickly and cost-effectively the city and industry will be able to produce types of housing that are urgently needed in San Francisco.

While San Francisco has gone far beyond its neighbors and peers in dedicating resources to affordable housing, this city is still far behind in producing the amount of housing that is actually needed to keep up with population growth, particularly for low-, moderate- and even middle-income households. This has come about for a whole host of reasons, including a long history of insufficient funding for affordable housing at all levels of government, the swiftly rising cost of construction, a shortage of construction labor, widespread NIMBYism and a complicated and lengthy approvals and permitting process.

Clearly there is no silver bullet, so we must collectively take a variety of steps to remedy these barriers. This measure will address our infamously complex approvals process that leaves open many opportunities for opposition to delay or halt affordable housing. It will require the city to create a more efficient and less risky approvals process, resulting in quicker delivery and less expensive production of housing.

SPUR believes that the full Board of Supervisors supports the creation of housing for educators and low- and moderate-income households. Putting this measure on the ballot will take an important step toward delivering that housing more quickly and for less cost. Thank you for your consideration. Please do not hesitate to reach out if you have any questions.

Sincerely,

Kristy Wang

Community Planning Policy Director



