

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

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

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

DATE: January 11, 2021

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, January 12, 2021

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, January 12, 2021. This item was acted upon at the Committee Meeting on Monday, January 11, 2021, at 1:30 p.m., by the votes indicated.

Item No. 13 **File No. 201370**

Resolution imposing interim zoning controls for an 18-month period for parcels in Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential - Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any residential development that does not maximize the number of units allowed by applicable density restrictions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar - Aye
Supervisor Dean Preston - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney
Kristen Jensen, Deputy City Attorney

1 [Interim Zoning Controls - Large Residential Projects in RC, RM and RTO Districts]

2

3 **Resolution imposing interim zoning controls for an 18-month period for parcels in**
4 **Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential -**
5 **Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any**
6 **residential development that does not maximize the number of units allowed by**
7 **applicable density restrictions; affirming the Planning Department’s determination**
8 **under the California Environmental Quality Act; and making findings of consistency**
9 **with the General Plan and the eight priority policies of Planning Code Section, 101.1.**

10

11 WHEREAS, Planning Code, Section 306.7, authorizes the Board of Supervisors to
12 impose interim zoning controls to allow time for the orderly completion of a planning study and
13 for the adoption of appropriate legislation, which are necessary to ensure that the legislative
14 scheme that may be ultimately adopted is not undermined during the planning and legislative
15 process by the approval or issuance of permits authorizing changes of use that could conflict
16 with that scheme; and

17 WHEREAS, In recent decades, the rate of production of housing in San Francisco has
18 failed to keep pace with an influx of jobs and increased demand for housing in San Francisco
19 and in the broader region, which has contributed to increased unaffordability and repeat
20 waves of evictions and displacement, largely to the detriment of long-term residents and
21 communities and lower-income communities, in particular; and

22 WHEREAS, Policymakers at the City and state level have sought to increase housing
23 density across the state, including through the implementation of a Citywide Accessory
24 Dwelling Unit Program in San Francisco that applies to existing structures and to new

25

1 construction and which allows for the increased densification of residential and mixed use
2 neighborhoods and zoning districts; and

3 WHEREAS, While significant emphasis has been placed on increasing the capacity for
4 increased housing density in residential and mixed use zoning districts, and to remove various
5 substantive and procedural restrictions on the construction of affordable housing in particular,
6 comparatively little emphasis has been placed on setting density minimums and creating
7 disincentives for low-density projects in zoning districts that allow for greater density; and

8 WHEREAS, The construction of large residences is indicative of a market preference
9 for demonstrably unaffordable housing, even in zoning districts that permit greater capacity for
10 housing density and which tend to be characterized by higher density, more affordable, and
11 rent-stabilized housing; and

12 WHEREAS, The construction of large residences in zoning districts that permit greater
13 capacity for housing density, such as Residential-Commercial Combined (RC), Residential -
14 Mixed (RM) or Residential - Transit Oriented (RTO) districts, forgoes opportunities for more
15 affordable housing, and frequently results in the loss or conversion of housing protected by
16 rent stabilization provisions of the San Francisco Rent Ordinance; and

17 WHEREAS, Objective 2 of San Francisco’s 2014 Housing Element states that
18 “conserving and improving the existing (housing) stock is critical to San Francisco's long term
19 housing strategy”; and

20 WHEREAS, The 2020 Housing Balance Report, produced by the Planning Department
21 pursuant to Section 103 of the Planning Code, indicates that for the period from 2010 Quarter
22 1 - 2019 Quarter 4, 7,081 units of net new affordable housing have been built in San
23 Francisco while 3,951 units have been removed from protected status, a ratio of just 1.79
24 units built for every 1 unit lost; and

1 WHEREAS, The loss of affordable and rent controlled housing is driven in part by the
2 demolition, merger, and conversion of those homes and their replacement with market rate
3 housing and, notably, large single family homes in zoning districts that permit increased
4 capacity for housing density; and

5 WHEREAS, Planning Commission Resolution No. 20024, also known as the
6 “Residential Flat Removal Policy,” defines a “Residential Flat” as a common San Francisco
7 housing typology consisting of a single dwelling unit, generally occupying an entire story
8 within a building, and having exposure onto open areas at the front and rear of the property;
9 and

10 WHEREAS, Planning Commission Resolution No. 20024 enconces a preference for
11 the Residential Flat housing typology by subjecting any project that proposes to remove a
12 Residential Flat to mandatory discretionary review before the Planning Commission; and

13 WHEREAS, The interim controls established by this Resolution will allow time for the
14 orderly completion of a planning study and for the adoption of appropriate legislation; and

15 WHEREAS, The Board of Supervisors (Board) has considered the impact on the public
16 health, safety, peace, and general welfare if these interim controls are not imposed; and

17 WHEREAS, The Board has determined that the public interest will best be served by
18 imposition of these interim controls to ensure that the legislative scheme which may be
19 ultimately adopted is not undermined during the planning and legislative process for
20 permanent controls; and

21 WHEREAS, The Board makes the following findings of consistency with the Priority
22 Policies set forth in Planning Code, Section 101.1: by requiring Conditional Use authorization
23 for any residential development in an RC, RM or RTO district that does not maximize the
24 number of units that could be constructed based on the applicable density limits, these interim
25 controls advance Priority Policy 2, that existing housing and neighborhood character be

1 conserved and protected to preserve the cultural and economic diversity of our
2 neighborhoods, and these interim controls do not conflict with the other Priority Policies of
3 Section 101.1; and

4 WHEREAS, The Planning Department has determined that the actions contemplated in
5 this Resolution comply with the California Environmental Quality Act (California Public
6 Resources Code, Section 21000 et seq.); said determination is on file with the Clerk of the
7 Board of Supervisors in File No. 201370 and is incorporated herein by reference; the Board
8 hereby affirms this determination; now, therefore be it

9 RESOLVED, That in multi-unit residential (R) districts, and in single family home zoning
10 districts that allow for the construction of an Accessory Dwelling Unit, the City and County of
11 San Francisco hereby reiterates its preference for multi-unit buildings consisting of equitably-
12 sized Residential Flats, as that housing typology is defined in Planning Commission
13 Resolution No. 20024; and, be it

14 FURTHER RESOLVED, That as to the proposed new construction of a residential
15 building in RC, RM and RTO zoning districts or as to any proposed alteration that would result
16 in the expansion of a residential building in RC, RM and RTO zoning districts, Conditional Use
17 Authorization under Planning Code, Section 303, shall be required if the residential building
18 does not maximize the principally permitted residential density, not including any additional
19 residential density permitted under state law or Planning Code, Section 206, et seq., while
20 adhering to the minimum unit size requirements set forth in Planning Code, Section 206.3;
21 and, be it

22 FURTHER RESOLVED, That if existing lot conditions or form-based restrictions on
23 development (e.g., height, bulk, rear yard requirements) are such that a proposed project
24 cannot maximize density without seeking a variance or subdividing existing units on the lot,
25 and while adhering to the minimum unit size requirements set forth in Planning Code, Section

1 206.3, Conditional Use Authorization under Planning Code, Section 303 shall not be required
2 if a proposed project increases density on a subject lot, does not include any single unit
3 greater than 2000 square feet in size, and would not be subject to Conditional Use
4 Authorization under any other provision of the Planning Code; and, be

5 FURTHER RESOLVED, That Conditional Use Authorization shall not be required for
6 expansions of existing residential buildings in RC, RM and RTO districts, wherein the
7 proposed expansion is 25% or less of the existing residential building, provided that the
8 proposed expansion (1) does not increase the size of any unit that is already larger than 2000
9 square feet in size, (2) does not create any new unit that is greater than 2000 square feet in
10 size, and (3) does not cause an existing unit that is less than 2000 square feet in size to be
11 larger than 2000 square feet in size; and, be it

12 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning
13 Department shall conduct a study of the contemplated zoning proposal and propose
14 permanent legislation to address the issues posed by large residential development that does
15 not maximize the allowable density; and be it

16 FURTHER RESOLVED, That these interim controls shall apply to all applications for
17 residential development where a final site or building permit has not been issued as of the
18 effective date of this Resolution, to the extent allowed by law; and be it

19 FURTHER RESOLVED, That for projects scheduled for a hearing at the Planning
20 Commission under a Discretionary Review as of the effective date of this Resolution, the
21 Planning Department is requested to expedite the processing and calendaring of any required
22 Conditional Use authorization under these controls; and, be it

23 FURTHER RESOLVED, That these interim controls shall remain in effect for 18
24 months from the effective date of this Resolution, or until the adoption of permanent legislation
25 that addresses substantially the same issues, whichever first occurs; and, be it

1 //
2 //
3 //
4 //
5 //

6 FURTHER RESOLVED, That the Planning Department shall provide reports to the
7 Board pursuant to Planning Code, Section 306.7(i).

8

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

11 By: /s/
12 AUDREY PEARSON
13 Deputy City Attorney

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December 18, 2020

File No. 201370

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

Dear Ms. Gibson:

On December 15, 2020, Supervisor Peskin submitted the following substitute legislation:

File No. 201370

Resolution imposing interim zoning controls for an 18-month period for parcels in Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential - Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any residential development that does not maximize the number of units allowed by applicable density restrictions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1.

This legislation is being transmitted to you for environmental review.

Angela Cavillo, Clerk of the Board

Handwritten signature of Erica Major in cursive.

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

12/18/2020

Handwritten signature in cursive.

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December 11, 2020

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

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

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Land Use and Transportation Committee

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Member, Board of Supervisors
District 3



City and County of San Francisco

AARON PESKIN

DATE: January 7, 2021

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation
Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, January 12, 2021, as Committee Reports:

201370 Interim Zoning Controls - Large Residential Projects in RC, RM and RTO Districts

Resolution imposing interim zoning controls for an 18-month period for parcels in Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential - Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any residential development that does not maximize the number of units allowed by applicable density restrictions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1.

[TBD] Urging California Regents to Consider the Proposed UCSF Parnassus Expansion Plan EIR at their March 2021 Meeting

Resolution urging the California Regents to move consideration of the proposed University of California at San Francisco (UCSF) Parnassus Expansion Plan Environmental Impact Report (EIR) from their January 2021 meeting to their March 2021 meeting.

COMMITTEE REPORT MEMORANDUM

Land Use and Transportation Committee

[TBD] Initiating Landmark Designation - 800 Chestnut Street - Diego Rivera Mural "The Making of a Fresco Showing the Building of a City"

Resolution initiating a landmark designation under Article 10 of the Planning Code for Diego Rivera's fresco, titled "The Making of a Fresco Showing the Building of a City," painted in 1931 and located at 800 Chestnut Street.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, January 11, 2020, at 1:30 p.m.

/s/ Aaron Peskin

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**NOTICE OF PUBLIC HEARING
LAND USE AND TRANSPORTATION COMMITTEE
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee of the City and County of San Francisco will hold a remote public hearing to consider the following matter and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: January 11, 2021

Time: 1:30 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26, 78 or 99 (*depending on provider*)

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 201370.** Resolution imposing interim zoning controls for an 18-month period for parcels in Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential - Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any residential development that does not maximize the number of units allowed by applicable density restrictions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, and the telephone number and access code will be displayed on the screen; or

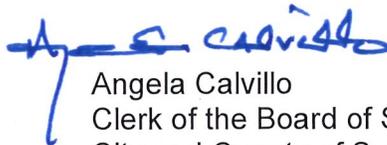
VISIT: <https://sfbos.org/remote-meeting-call>

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, January 8, 2021.

For any questions about this hearing, please contact Erica Major, the Clerk of the Land Use and Transportation Committee:

Erica Major (erica.major@sfgov.org) ~ (415) 554-4441)

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

em:lw:ams

From: [Sonja Trauss](#)
To: [Major, Erica \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [PrestonStaff \(BOS\)](#); [MelgarStaff](#)
Subject: File # 201370; Interim Zoning Controls - Large Residential Projects in RC, RM and RTO Districts
Date: Monday, January 11, 2021 10:25:26 AM
Attachments: [Yimby Law Comment Interim Zoning Controls - Large Residential Projects in RC, RM and RTO Districts.pdf](#)

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YIMBY Law
1260 Mission Street
San Francisco, CA 94103
Hello@yimbylaw.org

1/11/2021

San Francisco Board of Supervisors Land Use and Transportation Committee
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Erica.Major@sfgov.org; Aaron.Peskin@sfgov.org; prestonstaff@sfgov.org; melgarstaff@sfgov.org;
Via Email

Re: File # 201370; Interim Zoning Controls - Large Residential Projects in RC, RM and RTO Districts

Dear members of the Land Use Committee,

Vote no on the above captioned resolution. Allow this proposed zoning change to go through the ordinary process for zoning changes so that its effects and shortcomings can be accurately assessed.

Bad Process

The City of San Francisco has an extensive process for making zoning changes, regarding this proposed policy change, the city should avail itself of that process and not institute a change without public hearings and feedback. If this policy proposal is a good idea, it, or a version of it, will be passed after the requisite public process. If upon further study it's a bad idea, you don't want to have had it in effect for any amount of time.

There is no way for this committee to have sufficient information, on this compressed timeline and without any of the normal public process, or even a staff report from Planning, to be able to make a decision on this proposed legislation. Vote no on the emergency legislation, and allow it to go through the ordinary process.

Redundant, state (and local) laws already achieve the the tenant protecting goals

The most generous reading of the purpose of this legislation is that it is meant to protect rent controlled housing, or even non-rent controlled apartments, that are in small apartment buildings, from project sponsors who intend to merge the apartments into one big single family house.

To accomplish that end, this legislation is not necessary. In addition to the local legislation already requiring a CU hearing when demolishing (including merging) rent controlled apartments, there is an even stronger state law preventing almost all of these mergers. It covers both rent controlled and market rate apartments. This is Government

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Hearing on upzoning communities of concern
Date: Friday, January 8, 2021 1:29:38 PM

From: Hunter Oatman-Stanford <hoatmanstanford@gmail.com>

Sent: Friday, January 8, 2021 12:28 PM

To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mahogany, Honey (BOS) <honey.mahogany@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Melgar, Myrna (CPC) <myrna.melgar@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>

Subject: Hearing on upzoning communities of concern

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Haney & Others:

As a longtime resident of D6, I'm shocked to hear that the Supervisors on the Land Use and Transportation Committee are attempting to increase/maximize growth in many of San Francisco's communities of concern in response to our state required zoning for housing growth (RHNA) while allowing our wealthiest and least dense western neighborhoods to remain unchanged. The notice of this emergency bill is found here:

https://sfbos.org/sites/default/files/lut011121_201370_Notice.pdf

Instead of focusing on equity by expanding/fast-tracking housing production in the neighborhoods south and west of the Mission, which have long maintained exclusionary neighborhoods of single-family homes as a way to prevent people of color and lower-income residents from moving there, city leaders now want to push more growth into the few neighborhoods, like most of D6, that have already built the vast majority of new housing over the last 3 decades. While the Sunset would remain virtually unchanged, this policy would target growth in the Tenderloin, Fillmore, Japantown, Mission, etc.

This is offensive and goes against every stated city policy on housing equity, and practically begs for the state to take more decisive action in removing control from local politics. Please DO NOT allow such a farce to continue—San Francisco deserves to see housing growth spread equitably among every neighborhood in the city, with particular protections for communities of concern and expanded growth in wealthy, job-rich neighborhoods that have built little to no new housing. I have no issue with fast-tracking housing development, particularly when it is providing affordable units of funds for future affordable housing; however, this bill seems to pretend it is promoting affordable-housing growth, while directing the zoning changes at neighborhoods facing wide scale displacement and does nothing to promote growth in the two-thirds of SF that currently ban

apartments.

Please let me know how you plan to fix this.

best,

Hunter Oatman-Stanford

855 Folsom Street, #502

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Resolution imposing interim zoning controls for an 18-month period for parcels in Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential - Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any residential development that does not maximize the number of units allowed by applicable density restrictions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

Signature of Sponsoring Supervisor:

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
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I hereby submit the following item for introduction (select only one):

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Signature of Sponsoring Supervisor: