



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text & Zoning Map Amendment

HEARING DATE: DECEMBER 6, 2018
90-DAY DEADLINE: JANUARY 6, 2019

Project Name: District 11 Large Residence Special Use District
Case Number: 2018-013861MAP PCA [Board File No. 180939]
Initiated by: Supervisor Safai / Introduced September 25, 2018
Staff Contact: Diego Sanchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Reviewed by: Aaron Starr, Manager of Legislative Affairs
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Recommendation: **Disapproval**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District (*see map*) to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district.

The Way It Is Now:

Projects that result in a Dwelling Unit with gross floor area exceeding 2,500 square feet or five or more bedrooms do not require Conditional Use authorization solely because of either of those two attributes.

The Way It Would Be:

Permit applications for Dwelling Units that result in either a gross floor area exceeding 2,500 square feet or five or more bedrooms in the RH-1, RH-2, and RH-3 Zoning Districts in the proposed District 11 Large Residence Special Use District would require Conditional Use authorization.

BACKGROUND

Planning Department Staff (Staff) understands the intention of the Ordinance as two-fold. As outlined in the Ordinance, the first intention is:

"To protect and enhance existing neighborhood character, encourage new infill housing at compatible densities and scale, and provide for thorough assessment of proposed large-scale residences that could adversely impact the area and affordable housing opportunities..."

Through dialogue with Supervisor Safai's office, Staff understands the second intention is to prevent the use of single-family homes as dormitories or group housing. While this second intention is not identified in the Ordinance, the 278 Monticello case was mentioned as emblematic of the Supervisor's concerns.

The 278 Monticello Case culminated on June 28, 2018 with the Planning Commission (Commission) taking Discretionary Review (DR) on a building permit application to legalize unpermitted alterations in conjunction with violations at that property.¹ The DR action was the conclusion of a Staff enforcement effort confirming that the Property had been illegally converted into a Group Housing use. The Commission’s DR action required the Property owner to reduce the number of proposed bedrooms from 10 to four and the number of proposed bathrooms from six to three and one-half. The Commission deemed the Property owner’s actions in creating a Group Housing use to be a public nuisance and therefore applied the additional restrictions.

In light of the Supervisor’s concerns, Staff reviewed the number of enforcement complaints related to illegal Dwelling Unit conversions to Group Housing. The Table below illustrates the findings. While Supervisorial District 11 has the most complaints, Supervisorial Districts 3, 4 and 10 also had a similar number of complaints.

ENFORCEMENT COMPLAINTS BY SUPERVISORIAL DISTRICT

DISTRICT	No. of COMPLAINTS	PERCENTAGE
1	5	3%
2	11	7%
3	24	14%
4	22	13%
5	10	6%
6	10	6%
7	10	6%
8	12	7%
9	13	8%
10	25	15%
11	27	16%
TOTAL	169	

ISSUES AND CONSIDERATIONS

Recent Efforts to Limit Unit Size

There have been several initiatives to limit Dwelling Unit size in San Francisco. Some have passed and are part of the Planning Code, while others have not. One recent successful effort is the Corona Heights SUD.² The proposed D11 Large Residence SUD has a similar stated purpose and the same Conditional

¹ Discretionary Review Action DRA-0596

² Planning Code Section 249.77

Use findings as the Corona Heights SUD. The Corona Heights SUD, however, is different from the D11 Large Residence in important ways. First, the Corona Heights SUD is a targeted SUD based on neighborhood boundaries and a demonstrated problem of overly large homes due to topography and location. Second, it bases land use controls on a proportional increase of a home's existing square footage, and whether a new Dwelling Unit is added. These types of controls not only consider existing site conditions, but also encourage maximizing residential density.

One failed effort was the Residential Expansion Threshold (RET). The RET was a Planning Department led effort that was abandoned last year due to significant opposition. The RET sought to remove the complicated demolition criteria in Planning Code Section 317 and limit the size of Dwelling Units based on Floor Area Ratio (FAR). It also encouraged increasing density by providing more FAR to projects maximizing their allowable residential density. While this proposal was intended to apply to all RH districts, it used FAR to tailor the controls to individual sites. In contrast, the proposed D11 Large Residence SUD creates a single threshold without considering site conditions or promoting maximum density. Further, it is unclear as why the threshold was established at 2,500 square feet as opposed to another figure.

Arbitrary Boundaries

The D11 Large Residence SUD proposes to encompass all of Supervisorial District 11, the boundaries of which are not primarily based on land use issues. Supervisorial district boundaries are based on several factors. For example, in drawing Supervisorial district boundaries, the City is legally required to consider the race of the eligible voters in each district to ensure compliance with the Voting Rights Act. It would be inappropriate to make zoning decisions, such as restrictions on the sizes of homes, on these same factors. When creating an SUD, the City should articulate neighborhood or land use-based reasons rather than merely relying on the Supervisorial district boundaries.

As one example of how this boundary is arbitrarily drawn, portions of the northern D11 boundary run through the Ingleside Neighborhood along Holloway Avenue, dividing D11 and D7. This line cuts through an area that for all intent and purposes is one neighborhood. Should this Ordinance become effective, homes on the south side of Holloway would be subject to these restrictions, while homes on the north side would not. There is no land use rational why one side of the street should be subject to these controls, while the other is not. Further, when these Supervisorial district boundaries change in 2020, as they do every 10 years, this may no longer be the dividing line between D11 and D7, compounding its arbitrary status.

Staff also understands the Supervisorial district boundaries proposed in the Ordinance are outdated. It appears that the Ordinance does not reference the current boundaries for Supervisorial District 11 outlined in the City Charter. If the intention is to encompass the entire Supervisorial District, the proposed Ordinance should incorporate the City Charter boundaries.

Proposed Conditional Use Findings

As part of the proposed Conditional Use requirements, the Planning Commission would be required to consider whether a project establishes one or more of the following:

- The proposed project promotes housing affordability by increasing housing supply;
- The proposed project maintains affordability of any existing housing units; or

- The proposed project is compatible with existing development.

These findings are the same as those found in the Corona Heights SUD. An important distinction is that the Corona Heights SUD is designed not only to limit the size of homes, but also to encourage property owners to maximize their density. They are also based on the subject building's size and site conditions. The proposed D11 Large Residence SUD does not include these considerations. The D11 Large Residence only proposes a hard limit on the size of any one unit (2,500 square feet), and a hard limit on the number of bedrooms (five). Based on these findings and the proposed controls, Staff is unclear as to when a project should receive a positive recommendation. Adding more rooms to a home would seem to increase affordability since it could accommodate more people and larger families; however, creating a home over 2,500 sq. ft. would seem to always make the home less affordable because you are increasing it in size.

Regulating Dwelling Units: Definition, and Allowed Locations, Sizes, and Users

Definition of a Dwelling Unit

Planning Code Section 102 defines a Dwelling Unit as a Residential Use designed for, or occupied by, one family doing its own cooking and having only one kitchen. This Residential Use is the most common type in San Francisco. It is found in single-family homes and multifamily buildings throughout the City.

Dwelling Unit Permissibility and Size in RH Zoning Districts

In RH districts, the number of Dwelling Units permitted per lot is generally limited by a fixed density control. For instance, an RH-2 zoning district allows two units per lot, and an RH-3 zoning district allows three units per lot. The size of a building in an RH Zoning District is limited by height and setback controls, and not based on FAR. The Department also applies applicable design guidelines, including the Residential Design Guidelines, to regulate building scale and form and architectural details.³

Except for limiting the number of kitchens to one per unit, the Planning Code does not regulate the interior layout of Dwelling Units in RH districts. Similarly, the Residential Design Guidelines limit their regulation of interiors to garage layouts. During permit review, Staff does make suggestions on floor plan layouts, but has limited purview over interior features, including on the number of bedrooms and bathrooms.

Allowed Users of Dwelling Units

The Planning Code does not prohibit the renting of rooms in a Dwelling Unit. A family of any size may share a Dwelling Unit with three unrelated housemates. The Planning Code also allows a group of five or more unrelated persons to occupy a Dwelling Unit. To do so, this group of unrelated persons must demonstrate that they (a) have control over their composition, (b) prepare and consume their meals collectively, and (c) determines its own rules and utilization of the residential space.⁴ Further, the Planning Code allows any Residential Use, including Dwelling Units, to house students. Taken together, Staff lacks free rein to regulate the users of a Dwelling Unit, and the associated number of bedrooms.

Enforcement of the Use of Dwelling Units

³ Planning Code Section 209.1, Table 209.1; Planning Code Section 311(c)(1)

⁴ Definition of Family, Planning Code Section 102

Assuring that Dwelling Units are not used for unauthorized or prohibited uses is handled through the enforcement process. This includes illegally using Dwelling Units as Group Housing. The Planning Department's enforcement division actively responds to complaints about alleged misuse of Dwelling Units through in-person site visits and communication with property owners and occupants. The Department's enforcement staff may also collaborate with staff from other City agencies. This occurs when complaints about the use of Dwelling Units involves specific quality of life issues. For example, loud music, overcrowding, and excessive number of pets are typically dealt with through other codes, including the Police, Housing or Public Health Codes.

It is also important to note that the occupants of any Dwelling Unit may create a public nuisance. The Department is unaware of a direct link between the number of building occupants and a decrease in quality of life. In fact, San Francisco is home to many desirable, residentially dense neighborhoods replete with multifamily buildings.

New Burdens for Housing Production

Applying new entitlement requirements, such as Conditional Use authorization (CU), can have unintended consequences for housing production. Given the required analysis, notice, and hearing, the CU process can add six to nine months to a project's approval timeframe. This is especially concerning for residential projects that are approved over the counter or through a shorter notice process. In existing residences, it is often possible to convert a garage or other ground floor areas to habitable space with an over the counter approval.⁵ These habitable areas can then be used to house extended family members, for example.

Similarly, minor expansions of existing Dwelling Units or projects realizing allowed residential densities would also be newly burdened by the CU process. Horizontal or vertical additions to an existing home, needed to accommodate an expanding family for example, are usually handled under the neighborhood notification process. This process typically takes three to four months to complete. Requiring CU for these projects could duplicate the Department permitting timeframe. Residential projects adding a new Dwelling Unit in an RH-2 Zoning District, typically handled under the neighborhood notification process, would, in certain instances, also face increased permit review timelines.

New entitlement requirements can also run counter to City policy on housing production. Mayoral Executive Directives 13-01 and 17-02 strive to streamline housing permitting processes and expand the City's housing supply, including its rental stock.⁶ A new CU process, where one was not required, would hamper this effort. And while it may be necessary to require a CU for overly large homes, this decision should not be based on arbitrary boundaries or thresholds.

⁵ Zoning Administrator Bulletin No. 1: Developing Ground Floor Accessory Rooms in Residential Buildings.

⁶ Mayoral Executive Direction 13-01

<https://sfmayor.org/sites/default/files/FileCenter/Documents/374-13-01%20Housing%20Production%20and%20Preservation%20of%20Rental%20Stock.PDF>

Mayoral Executive Directive 17-01

<https://sfmayor.org/article/executive-directive-17-02>

Implementing Bedroom Count Thresholds

Regulating the number of bedrooms in a Dwelling Unit is difficult. During permit review an applicant may misrepresent the use of a room in a number of ways, including as storage, a home entertainment room, or an accessory home office. The Department cannot prohibit the use of residential space for any of these purposes. An applicant may also propose large bedrooms with intentions of halving them, for example, after permit issuance and subsequently doubling the number of bedrooms. In these ways an applicant may circumvent thresholds on allowed bedrooms.

It is also important to note that the use of rooms in a dwelling may change over time. As a family grows or in-laws move in, a dining room, for example, is often converted to a bedroom. The Department has no way of regulating this unless the property owner seeks an administrative permit to update the recorded bedroom count. When this conversion results in a bedroom count that requires CU, it may be overly optimistic to assume property owners will consistently come forth to do so.

Demographics of Supervisorial District 11

The Excelsior and Outer Mission Strategy (Strategy) is a long-range planning effort in the Excelsior, Outer Mission, Mission Terrace, Crocker Amazon, and Cayuga neighborhoods.⁷ These neighborhoods encompass a large portion of Supervisorial District 11. In its participation in the Strategy Staff found that these neighborhoods have a higher proportion of families than San Francisco as a whole. Staff also found that these family households, and all households in the Strategy neighborhoods, are larger than the San Francisco average. Staff also understands that these neighborhoods are home to many multi-generational households.

Neighborhoods with these demographics tend to need larger homes or homes with the flexibility to add bedrooms. Planning Code regulations on Dwelling Units should respond to this, especially considering the City's current housing shortage.

Implementation

The Department has determined that the proposed Ordinance will complicate implementation because it requires Staff to determine the future use of residential space in order to accurately regulate bedroom count. In this sense, the bedroom limit in the proposed Ordinance verges on being unenforceable. The proposed Ordinance will also increase the number of CU applications the Department processes, further crowding the Commission calendar.

RECOMMENDATION

The Department recommends that the Commission *disapprove* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Department is sympathetic to the intentions of the proposed Ordinance. Preserving the affordability of our existing housing stock and assuring Dwelling Units are being used for authorized purposes are

⁷ Excelsior and Outer Mission Draft Neighborhood Strategy
http://default.sfplanning.org/plans-and-programs/in-your-neighborhood/invest-in-neighborhoods/excelsior-strategy/Draft_EOM_Strategy.pdf

concerns that the Department shares with the Supervisor. The Department, however, believes that the proposed SUD contains arbitrary boundaries, does not consider existing site conditions, does not encourage property owners to maximize density, establishes an arbitrary threshold for CU authorization, and establishes new CU requirements on alterations and housing production. In short, Staff believes that this proposed SUD is fraught with complications and unintended consequences.

The proposed SUD is easily circumvented by mislabeling bedrooms and requires homeowners to obtain a CU should they need to convert existing space to a bedroom. In these cases, the proposed Ordinance is unenforceable, and a burden to homeowners without any clear benefit to the City. The new CU requirement could also slow the production of new housing stock by requiring CU authorization where none was required before. Similarly, the conversion of ground floor space into a rentable bedroom could see its Planning approval timeline extend from hours to months. This conflicts with City policy seeking to increase and expedite housing production.

Further, there is no absolute link between bedroom count or Dwelling Unit size and an increase in public nuisance. Unruly occupants in any residence can easily create a public nuisance. Conversely, it is possible that a multi-generational household in a large Dwelling Unit become an asset to a neighborhood. Maintaining quality of life in a neighborhood often requires enforcing the City's other Municipal and Building Codes.

The Department firmly believes that a more comprehensive, city-wide approach to curbing the size of residential units should be created. One that is drawn solely based on Supervisorial District boundaries has the potential to create a patchwork of arbitrary controls not based on land use considerations or the neighborhood. The City owes its residents a more comprehensive look at how it regulates large residential homes, one that is based on good land use policy and is fair to both neighborhoods and homeowners.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received dozens of telephone calls enquiring about the proposed Ordinance and two letters of opposition. Most telephone calls sought clarification about the proposed Ordinance's effect on existing housing. Telephone calls in support applauded the intention to reduce the size and intensity of use of residences in Supervisorial District 11. Telephone calls in opposition expressed concern about the proposed Ordinance's effect on rental housing production and of potential infringement on property rights. The common theme of the letters in opposition is the need for nuanced controls on residential property that encourage density and do not aggravate the current housing shortage.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of the proposed District 11 Large Residence Special Use District
- Exhibit C: Public Letters of Opposition/Support
- Exhibit D: Board of Supervisors File No. 180939



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE DECEMBER 6, 2018

Project Name: District 11 Large Residence Special Use District
Case Number: 2018-013861MAP PCA [Board File No. 180939]
Initiated by: Supervisor Safai / Introduced September 25, 2018
Staff Contact: Diego Sanchez, Legislative Affairs
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE AND ZONING MAP TO CREATE THE DISTRICT 11 LARGE RESIDENCE SPECIAL USE DISTRICT (THE AREA WITHIN A PERIMETER ESTABLISHED BY INTERSTATE 280, ORIZABA AVENUE, BROTHERHOOD WAY, JUNIPERO SERRA BOULEVARD, HOLLOWAY AVENUE, ASHTON AVENUE, OCEAN AVENUE, SOUTHERN BORDER OF BALBOA PARK, SAN JOSE AVENUE, HAVELOCK STREET, INTERSTATE 280, STONEYBROOK AVENUE, CAMBRIDGE STREET, STONEYFORD AVENUE, GLADSTONE DRIVE, SUNGLOW LANE, SILVER AVENUE, MADISON STREET, BURROWS STREET, MANSFIELD STREET, WESTERN BOUNDARY OF JOHN MCLAREN PARK, LA GRANDE AVENUE, WESTERN BOUNDARY OF JOHN MCLAREN PARK, GENEVA AVENUE, LINDA VISTA STEPS, LAPHAM WAY, ROBINSON DRIVE, AND THE SOUTHERN BOUNDARY OF SAN FRANCISCO) TO PROMOTE AND ENHANCE NEIGHBORHOOD CHARACTER AND AFFORDABILITY BY REQUIRING CONDITIONAL USE AUTHORIZATION FOR LARGE RESIDENTIAL DEVELOPMENTS IN THE DISTRICT; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on September 25, 2018 Supervisor Safai introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180939, which would amend the Planning Code and Zoning Map to create the District 11 Large Residence Special Use District to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 6, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare do not require the proposed amendment; and

MOVED, that the Planning Commission hereby **Disapproves** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Requiring Conditional Use authorization (CU) on housing production or alterations through the proposed D11 Large Residence Special Use District is fraught with complications and unintended consequences.
2. The proposed SUD boundaries are not based on land use considerations. Supervisorial district boundaries are based on multiple factors, many of which should not be used for establishing land use regulations.
3. The proposed CU threshold on Dwelling Unit size is arbitrary. It does not consider existing site conditions and does not incentivize realizing maximum allowed residential density.
4. Successfully implementing a new CU requirement on bedroom counts would be nearly impossible. Circumventing any bedroom count threshold only requires applicants to misrepresent to the Planning Department the use of a room as other than for a bedroom. Further, over time a household's needs also change and often require converting existing space to a bedroom. It is doubtful that a household would be willing to subject themselves to the CU process in this circumstance.
5. The new CU requirement could also slow the production of new housing stock. In many instances projects would experience a doubling in permit processing timeframe due to the new CU requirement. This conflicts with City policy seeking to increase and expedite housing production.
6. A better approach to regulating residential units would be one that is comprehensive, based on good land use policy and fair to both neighborhoods and homeowners.

7. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are inconsistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would have a negative effect on neighborhood serving retail and will have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail because it proposes new processes that would delay and deter new housing units that would provide patrons for neighborhood serving retail uses and new resident-owners of those businesses.

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

The proposed Ordinance would have a negative effect on housing or neighborhood character because it imposes a new CU requirement on specific residential alterations or expansions that could preserve and enhance the cultural and economic diversity of the City's neighborhoods.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would have an adverse effect on the City's supply of affordable housing as it proposes additional processes that would delay and possibly deter the creation of new housing units.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would have neither a positive nor negative effect on MUNI transit service, City streets or neighborhood parking because it concerns itself with imposing a new entitlement process on certain residential development.

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

The proposed Ordinance could hamper future opportunities for resident employment or ownership in the industrial and service sector by limiting the expeditious production of rental housing stock through the imposition of a new entitlement process.

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

The proposed Ordinance would have an adverse effect on the City's preparedness against injury and loss of life in an earthquake as it creates a new process for residential alterations that could deter

property owners from seeking building application permits undertaking a wide range of work, including seismic improvements on existing structures.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would have an adverse effect on the City's Landmarks and historic buildings as it creates a new process for residential development that could deter property owners from undertaking alterations that could also preserve the historic integrity of historic residential buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would have no positive or negative effect on the City's parks and open space and their access to sunlight and vistas because it concerns itself with imposing a new entitlement process on certain residential development.

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare do not require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby DISAPPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 6, 2018.

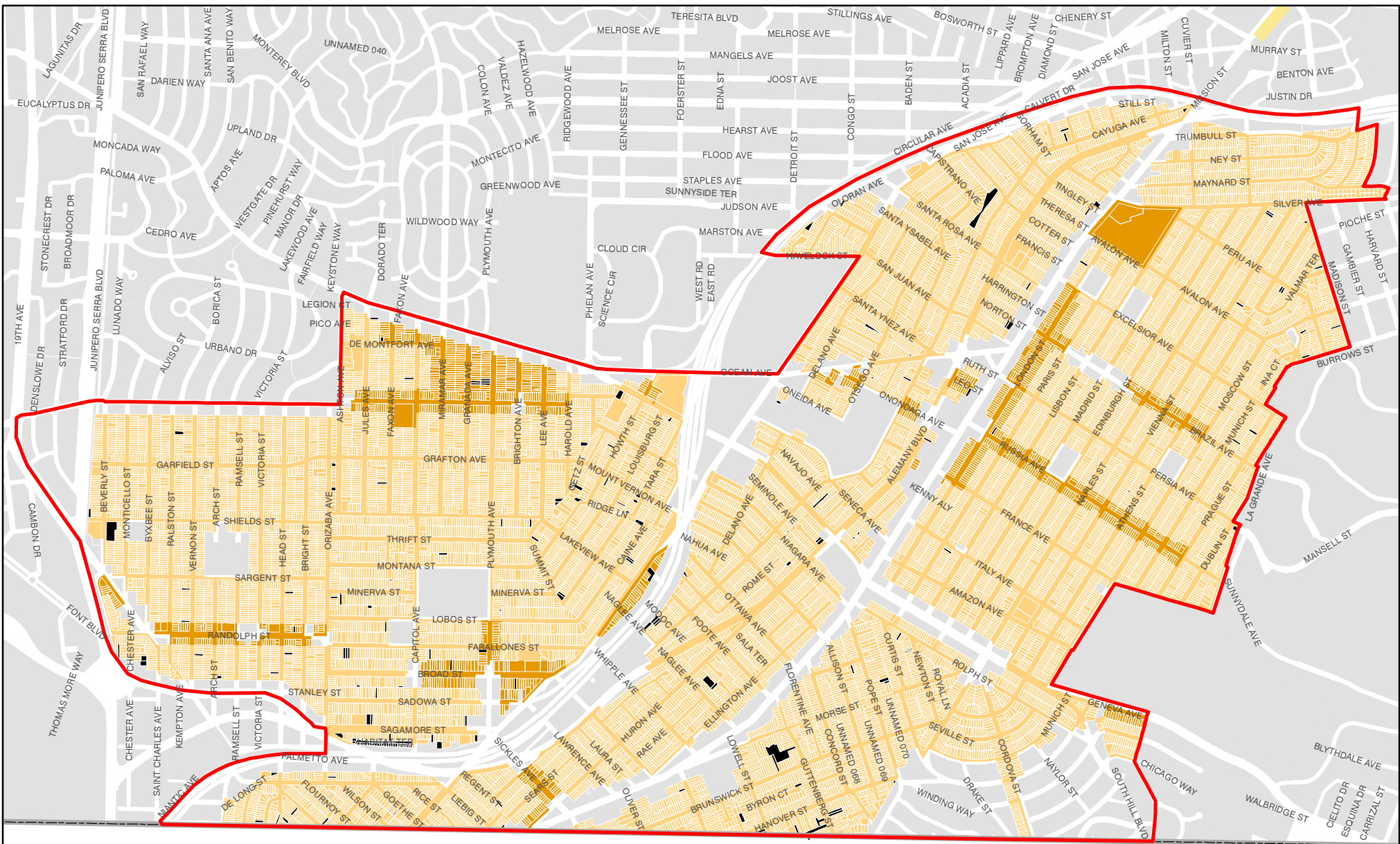
Jonas P. Ionin
Commission Secretary

AYES:

NOES:

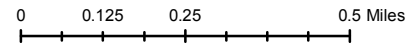
ABSENT:

ADOPTED: December 6, 2018.



- RH-1
- RH-2
- Vacant

D11 Large Residences Proposed SUD
 Zoning Districts
 SAN FRANCISCO



Sanchez, Diego (CPC)

From: Yonathan <yonathan@gmail.com>
Sent: Wednesday, November 28, 2018 11:45 PM
To: Sanchez, Diego (CPC); Major, Erica (BOS); CPC-Commissions Secretary
Subject: Don't ban 5-bedroom homes

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

To the Planning Commission and Board of Supervisors:

This is in regards to [Leg Ver1](#) (from [File 180939](#)) of the proposed ordinance creating a “D11 Large Residence Special Use District,” Within this district, on any RH-1, RH-2, or RH-3 parcel, any proposed creation or expansion of a house resulting in at least 5 bedrooms or 2,500 gross square feet of floor area would require a Conditional Use hearing from the Planning Commission to determine whether the project is “necessary or desirable” ([PC §102](#)) prior to approval. The legislation is scheduled to appear before the Planning Commission on 12/6/2018 and the BoS Land Use Committee 12/10/2018.

This legislation is a reaction to a Discretionary Review that the Planning Commission heard on 6/28/2018 ([2014-001994DRP](#), [Laura Waxman, SF Examiner: “Planning Commission, supervisors condemn landlord for unpermitted student housing”](#)) for 278 Monticello St, a 2792 sq. ft. house with 13 bedrooms (only 6 permitted bedrooms) that were used for student housing. The lot is zoned RH-1 and there is no Residential Permit Parking zone in the vicinity. At the hearing, neighbors complained of loss of street parking, loud parties, drunkenness, litter, and the disturbance of the “neighborhood character.” The Planning Commission decided to scale the project down to 4 bedrooms and 3 bathrooms to punish the owner for the unpermitted construction.

Respectfully, I disagree with the approach of this ordinance.

For one thing, the boundaries of the proposed district appear to trace the *old* District 11 boundaries from the [2002 redistricting](#) (which includes several more blocks in the Ingleside) rather than the new boundaries from the [2012 redistricting](#) ([SF Charter Appendix E](#)). It's unclear why the 2002 District 11 boundaries should be used, or indeed why District 11 should be singled out at all.

For another thing, I am not convinced that it will be particularly effective at the intended effect of reducing the number of people living in each house. The ordinance does not define “bedroom,” and it is likely that owners will simply create living rooms and other odd spaces to rent out when a real bedroom would be more healthy for the occupants.

But more importantly, we as a city need to stop reaching for the same old hammer of limiting residential density as the solution to our City's individual problems. San Francisco's neighborhoods have a wide range of densities, so it is ironic that we acquiesce to fears of density and change, when only a few miles away other neighborhoods have gone through similar transitions. By all means, address the specific problems such as unpermitted construction enforcement, noise, and managing the on-street parking. But preventing living space should be the last tool we use, not the first, and only after careful consideration of how our city needs to grow in the coming decades.

Yonathan Randolph

Edward M. Anaya

683 London Street ♦ San Francisco, CA 94112 ♦ ema9@georgetown.edu

November 28, 2018

VIA E-MAIL AND U.S. MAIL

San Francisco Planning Department

Attn: Mr. Diego R. Sanchez

1650 Mission Street, Suite 400

San Francisco, CA 941103-2479

diego.sanchez@sfgov.org

Re: Objections and Alternatives to proposed District 11 SUD
Planning Case No. 2018-013861MAP PCA
Board File No. 180939

Dear Planning Department and Supervisors:

This letter serves to voice my disappointment and objection to the proposed District 11 Special Use District (the "proposal"). I was born and raised in San Francisco, and reside in District 11. This letter states my objections to the proposal and provides alternatives that would lessen, at least in part, the proposal's likely harmful effects.

I. The proposal adds to the City's housing crisis, would increase bureaucracy, and does not serve its stated goals.

The proposal would require a conditional use authorization for any projects in residential zones that exceed 2,500 square feet or five bedrooms. Its stated intention is to preserve neighborhood character. However, there are already mechanisms within the planning code to preserve neighborhood character.

Instead, the proposal would add to the City's already well-documented housing crisis. *The Bay Area's housing crisis has become an emergency*, SF Chronicle, May 12, 2018.¹ The proposal would add to the housing crisis because it would increase the time, cost, and bureaucracy of building new housing. This increase would tend to limit new housing opportunities, including affordable housing opportunities, rather than increase them.

The solution to the housing crisis is not to blanketly restrict new housing. Rather, the City should be focused on proactive incentives for building affordable housing through the use of tax incentives, the streamlining and incentivizing of affordable housing projects, and other incentives. The City should be focused on carrots, not sticks, to build new affordable housing projects.

¹ Available at, <https://www.sfchronicle.com/opinion/editorials/article/Editorial-The-Bay-Area-s-housing-crisis-has-12908782.php> (last accessed November 28, 2018)

II. Possible alternatives.

To ameliorate the proposal's likely harmful effects, the following alternatives should be considered:

Alternative A – Exempt RH-3 zones – The proposal should exempt RH-3 housing, the most dense housing zone, as there is likely no harm, if any, that new residential construction will pose to an already densely-zoned RH-3 zone.

Alternative B – Exempt mass-transit zones – The proposal district should exempt housing adjacent to mass transit zones, such as Mission and Geneva streets, because new housing in those areas is already able to accommodate new housing, given its proximity to transit, amenities, and infrastructure typically located near such mass-transit zones.

Alternative C – Exempt affordable housing – Residential projects that meet established, or to-be-established, guidelines of affordable housing should be exempted entirely from the proposal.

III. Conclusion

We are in a housing crisis. Please focus on increasing affordable housing opportunities and incentives, not on blanketly creating barriers to new housing.

Sincerely,



Edward M. Anaya

cc: ***Via E-mail and U.S. Mail***
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Jane.Kim@sfgov.org

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

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

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

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

Section 1. Environmental and Land Use Findings.

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

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

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

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

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

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

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

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

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

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

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

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

20 (B) five or more bedrooms.

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

- 1 (1) The proposed project promotes housing affordability by increasing housing supply;
- 2 (2) The proposed project maintains affordability of any existing housing unit; or
- 3 (3) The proposed project is compatible with existing development.
- 4 (f) This Section 249.3 shall apply to building permit applications received on or after the
- 5 effective date of the ordinance, in Board of Supervisors File No. _____, creating this Section.

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7 Section 3. The Planning Code is hereby amended by revising Sectional Maps SU11

8 and SU12 of the Zoning Map of the City and County of San Francisco, as follows:

9

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
<p>10</p> <p>11 All parcels within a perimeter established by</p> <p>12 Interstate 280, Orizaba Avenue,</p> <p>13 Brotherhood Way, Junipero Serra</p> <p>14 Boulevard, Holloway Avenue, Ashton</p> <p>15 Avenue, Ocean Avenue, southern border of</p> <p>16 Balboa Park, San Jose Avenue, Havelock</p> <p>17 Street, Interstate 280, Stoneybrook Avenue,</p> <p>18 Cambridge Street, Stoneyford Avenue,</p> <p>19 Gladstone Drive, Sunglow Lane, Silver</p> <p>20 Avenue, Madison Street, Burrows Street,</p> <p>21 Mansfield Street, western boundary of John</p> <p>22 McLaren Park, La Grande Avenue, western</p> <p>23 boundary of John McLaren Park, Geneva</p> <p>24 Avenue, Linda Vista Steps, Lapham Way,</p>	<p>District 11 Large Residence Special Use District</p>

1 Robinson Drive, southern boundary of the
2 City and County of San Francisco.
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5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.
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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 ROBB W. KAPLA
15 Deputy City Attorney

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