



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text & Zoning Map Amendment

HEARING DATE: JUNE 13, 2019
90-DAY DEADLINE: AUGUST 1, 2019

Project Name: Oceanview Large Residence Special Use District
Case Number: 2018-013861MAP PCA [Board File No. 180939]
Initiated by: Supervisor Safai / Introduced September 15, 2019;
Substituted April 30, 2019
Staff Contact: Diego Sanchez, Legislative Affairs
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Reviewed by: Aaron Starr, Manager of Legislative Affairs
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Recommendation: **Approval with Modifications**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280; *see map*) to promote and enhance neighborhoods character and affordability by requiring Conditional Use authorization for large residential developments in the district.

The Way It Is Now:

Projects that result in either (a) a Dwelling unit with five or more bedrooms, (b) a Dwelling unit less than 1/3 the size in floor area of the largest Dwelling unit in a multiple dwelling unit project, or (c) a Floor Area Ratio above a specified threshold do not require Conditional Use authorization solely because either of those three attributes.

The Way It Would Be:

Permit applications for Dwelling units that result either in (a) a Dwelling unit with five or more bedrooms, (b) a Dwelling unit less than 1/3 the size in floor area of the largest Dwelling unit in a multiple dwelling unit project, or (c) a Floor Area Ratio above the specified thresholds in the proposed Oceanview 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 the legislative sponsor, Supervisor Safai, 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.

Considering 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 from October 2018. 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	

¹ Discretionary Review Action DRA-0596

On March 7, 2019 the Planning Commission (Commission) heard the original version of the Ordinance. This version included:

1. Special Use District boundaries encompassing the entirety of Supervisorial District 11; and
2. a Conditional Use authorization requirement for projects resulting in a Dwelling Unit exceeding 2,500 square feet in gross floor area or five or more bedrooms.

At the March 7 hearing the Commission expressed the following:

1. a preference for Dwelling Unit controls based on Floor Area Ratio (FAR);
2. a desire to see Conditional Use authorization findings that assure compatibility with surrounding development;
3. that enforcement remedies be pursued to address illegal Student Housing; and
4. suggested that the legislative sponsor work with Staff on these and other amendments.

After providing these comments, the Planning Commission moved unanimously to continue the hearing.

On April 30, 2019 the legislative sponsor substituted the original Ordinance with the version included in this Staff report.

ISSUES AND CONSIDERATIONS

Recent Efforts to Limit Dwelling Unit Size

There have been several initiatives to limit Dwelling Unit size in San Francisco. The Corona Heights Special Use District is one based on neighborhood boundaries. This SUD uses the proportional increase of a home's existing square footage and whether a new Dwelling Unit is added to regulate home sizes.² It also considers existing site conditions and encourages maximizing residential density. The substitute Ordinance has similar characteristics. It now targets a specific geography and bases land use controls on existing lot conditions, building size or added Dwelling Units.

Another was the Planning Department led Residential Expansion Threshold (RET), abandoned in 2017 due to significant opposition. RET sought to 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. The substitute Ordinance also uses FAR to control Dwelling Unit size and offers additional area for added residential density, including for adding Accessory Dwelling Units.

Special Use District (SUD) Boundaries

The basis for selecting SUD boundaries is quite different than that for supervisorial districts. 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. Drawing SUD boundaries to limit home sizes, for example, that mimic supervisorial district boundaries would be inappropriate. Instead SUD boundaries should be based on factors such as proximity to existing land uses, neighborhood topography, or presence of cultural and architectural resources. The substitute Ordinance is proposing SUD boundaries that encompass specific neighborhoods, including Oceanview, Ingelside and Merced Heights. These neighborhoods either border or are near San Francisco State University and City College of San Francisco, two prominent post-secondary educational institutions.

² Planning Code Section 249.77

Proposed Additional Conditional Use Considerations

The proposed Conditional Use (CU) authorization requirements in the Ordinance require the Planning Commission to consider whether a project establishes at least two of the following:

- The proposed project maximizes allowed density, including allowed Accessory Dwelling Units;
- The proposed project is compatible with surrounding development in terms of floor area, building scale, and form;
- If the proposed project results in five or more bedrooms in any dwelling unit, no dwelling unit contains more than three bathrooms;
- The proposed project does not add new off-street parking areas.

These findings are easily implemented as each is either quantifiable or otherwise routinely discerned from plan review. These findings also meet various City policies and goals, including encouraging the production of new housing stock, preserving neighborhood character, and promoting the transit-first policy in the City's Charter.

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. 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 do not regulate a building's interior layout, the one exception being the layout of the garage. During permit review, Staff does make suggestions on floor plan layouts, but has limited purview over interior features, including on the number of bedrooms.

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

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

⁴ Definition of Family, Planning Code Section 102

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.

Implementing Bedroom Count Thresholds

Regulating the number of bedrooms in a Dwelling Unit is difficult. During permit review an applicant may misrepresent a bedroom in several ways, including labeling it 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 intention of dividing them after permit issuance, increasing the number of bedrooms from what was approved by Planning. 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.

Enforcement of the Use of Dwelling Units

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 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, including the sole occupant of a single-family home, 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.

General Plan Compliance

The substitute Ordinance and proposed modifications are, on balance, in harmony with the Objectives and Policies of the General Plan. The FAR thresholds and CU findings will help steer residential development into compatibility with surrounding buildings, in alignment with the Urban Design Element. The incentives to add residential units as part of developing buildings with larger FAR helps create add to the City's residential housing stock, including its family and rental housing stock, in alignment with the Housing Element.

Implementation

For the reasons stated above., the Department finds that the bedroom limitation in the proposed Ordinance will be difficult to implement and potentially unenforceable.

RECOMMENDATION

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

The proposed modification is to eliminate the bedroom count limits and instead explore creating a robust inter-departmental enforcement program to address public nuisance complaints within the boundaries of the proposed SUD.

BASIS FOR RECOMMENDATION

The Department is in general support of the substitute Ordinance. The amended SUD boundaries are based on a land use rationale, instead of supervisorial districts. Basing dwelling unit size thresholds on FAR considers existing site conditions and, as proposed, incentivizes maximizing residential density. The CU findings in the substitute Ordinance are now much easier to implement, as they are based on quantifiable measures or routine design review. Yet, despite the changes in the substitute Ordinance, the Department maintains strong concerns about the proposed bedroom count regulation.

Recommendation 1: Eliminate the bedroom count limit and instead explore creating a robust inter-departmental enforcement program to address public nuisance complaints within the boundaries of the proposed SUD. Bedroom count regulations are easily circumvented by mislabeling bedrooms during Planning Department plan review. This fact renders them ineffective. Within existing homes, limits on bedroom counts fail to recognize how residential spaces are used in a space-constrained city like San Francisco. Over time the use of rooms changes according to need. Requiring homeowners to obtain CU should they exceed the bedrooms count threshold is unnecessarily burdensome, especially for a single room conversion. It is also overly optimistic to expect homeowners to consistently come forth and seek CU for this type of project. Further, there is no absolute link between bedroom count and an increase in public nuisance. Unruly occupants in any sized residence can easily create a public nuisance. Conversely, it is possible that a multi-generational household in a multi-bedroom 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. In this light, exploring the creation of a robust inter-agency effort to address public nuisance within the SUD is a preferred option.

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 three letters. 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. A common theme of the two letters in opposition is the need for nuanced controls on residential property that encourage density and do not aggravate the current housing shortage. A third letter calls for increased review of increasing density and renovations on neighborhood character and quality of life

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Oceanview Special Use District boundaries
- Exhibit C: Letters of Opposition to Original Ordinance
- Exhibit D: Board of Supervisors File No. 180939



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE JUNE 13, 2019

Project Name: Oceanview Large Residence Special Use District
Case Number: 2018-013861MAP PCA [Board File No. 180939]
Initiated by: Supervisor Safai / Introduced September 25, 2018
Substituted April 30, 2019
Staff Contact: Diego Sanchez, Legislative Affairs
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RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE AND ZONING MAP TO CREATE THE OCEANVIEW LARGE RESIDENCE SPECIAL USE DISTRICT (THE AREA WITHIN A PERIMETER ESTABLISHED BY INTERSTATE 280, ORIZABA AVENUE, BROTHERHOOD WAY, JUNIPERO SERRA BOULEVARD, HOLLOWAY AVENUE, ASHTON AVENUE, OCEAN AVENUE, GENEVA AVENUE AND INTERSTATE 280) TO PROMOTE AND ENHANCE NEIGHBORHOOD CHARACTER AND AFFORDABILITY BY REQUIRING CONDITIONAL USE AUTHORIZATION FOR LARGE RESIDENTIAL DEVELOPMENTS IN THE DISTRICT; 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, at the December 6, 2018 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to March 7, 2019; and

WHEREAS, at the March 7, 2019 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to April 11, 2019; and

WHEREAS, at the April 11, 2019 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to April 25, 2019; and

WHEREAS, at the April 25, 2019 regularly scheduled meeting the Commission moved to continue the public hearing on the proposed Ordinance to May 9, 2019; and

WHEREAS, on April 30, 2019 a substitute Ordinance was introduced, changing the Ordinance title, Special Use District boundaries, Conditional Use authorization threshold and Conditional Use authorization considerations, among other changes; and

WHEREAS, at the May 9, 2019 regularly scheduled meeting the Commission moved to indefinitely continue the public hearing on the substitute Ordinance; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the substitute Ordinance on June 13, 2019; and,

WHEREAS, the substitute 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 substitute Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modification** the substitute ordinance.

The modifications include:

Eliminate the Conditional Use authorization requirement for projects that result in five or more bedrooms in a Dwelling Unit:

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

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

(A) ~~five or more bedrooms; or~~

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

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

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. Basing Special Use District boundaries on land use considerations, such as on proximity to post-secondary educational institutions, is much more appropriate than Supervisorial District boundaries. This avoids utilizing the factors for drawing Supervisorial Districts, such as the race of eligible voters to ensure compliance with the Voting Rights Act, in the establishment of Special Use District boundaries.
2. Using a metric such as Floor Area Ratio (FAR) to establish residential buildings size thresholds is beneficial as it considers existing site conditions. This is further enhanced when FAR thresholds are loosened to create incentives to maximize residential density.
3. The proposed Conditional Use authorization considerations facilitate implementation and realization of policy goals because they rely on quantifiable standards or require routine design review.
4. **General Plan Compliance.** The substitute Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed FAR threshold for residential building size in the substitute Ordinance will help steer new development into compatibility with the existing neighborhood character.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The Conditional Use findings and the FAR thresholds for residential buildings in the substitute Ordinance will help assure that new development is compatible with surrounding development. This contributes to the livability and character of residential neighborhoods in the proposed Special Use District.

HOUSING ELEMENT

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

By incentivizing the maximization of residential density, the substitute Ordinance helps create new housing for families, including rental housing.

5. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent 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 substitute Ordinance would have a beneficial effect on neighborhood serving retail because it incentivizes creating additional residential units. These new residential units can house future patrons of the neighborhood-serving retail establishments

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

The substitute Ordinance would have a beneficial effect on housing and neighborhood character because it imposes a new CU requirement for residential buildings that exceed a certain floor area ratio and includes as part of the CU a consideration on neighborhood compatibility

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

The substitute Ordinance would have a beneficial effect on the City's supply of affordable housing as it incentivizes the creation of new residential units, some of which may be affordable to a variety of households

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

neighborhood parking;

The substitute 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 substitute Ordinance would not affect the future opportunities for resident employment or ownership in the industrial and service sector because it concerns itself with amending limitations on residential development

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

The substitute Ordinance would not have an effect on the City's preparedness against injury and loss of life in an earthquake as it simply creates a new entitlement process for residential alterations and new construction

7. That the landmarks and historic buildings be preserved;

The substitute Ordinance would have no effect on the City's Landmarks and historic buildings as it simply creates a new process for residential development that exceeds certain FAR thresholds

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

The substitute 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

6. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the substitute Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 13, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 13, 2019.

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MEMO:

April 24, 2019

RE: District 11 Large Residence Special Use District
Case Number 2018-013861MAP PCA [Board File No. 180939]

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SF Planning Commissioners;

Many residents of D11 received a notice in the mail on the proposed change as a SUD to the D11 neighborhood when this file was introduced. Most attendees of the EDIA meeting on April 23rd 2019 had not heard of or were un-aware of the proposed changes and possible impacts based on the prior notification and document sent to residences and addresses in the district.

It is a major change that can result in legal challenges to highest and best use of property, or in some cases concerns that properties were determined by a random square footage number (2500 SF) or 5 or more bedrooms, and not been based on the issue of improper use of existing residential units for temporary lodging.

The impacts of student residential conversion of family housing stock to a more temporary residential transient nature of student housing has been a deep concern that I have submitted comments on before on the SFSU-CSU purchase of Stonestown Apartments and Parkmerced. The impacts of SFSU-CSU growth into prior residential neighborhoods, has a similar impact as institutional growth, such as UCSF, Academy of Art, CCSF, or USF development. There is a severe housing shortage but schools and institutions should not be exempt from being required to alleviate their local impacts on housing that is meant for the protected class of families and longer term rental housing.

I understand the Supervisor's intent to help address the impacts on single family homes as dormitories and "group-housing" as I was displaced prior from Parkmerced, by ongoing influxes of student shared housing that displaced many families and has not been ascertained or documented since the growth of enrollment at SFSU-CSU and the purchase of UPN (University Park North) and UPS (University Park South) in District 7. The adjacency of the SFSU-CSU campus has caused growth and expansion of student converted residential homes into shared housing, fraternities and sororities, without due process or review of impacts and negative

displacement and gentrification of prior housing stock in the D7/D11 and other neighborhoods in the sunset and around the city.

As was indicated in the report and documentation, there is a lacking review or oversight in the conversion of units. Parkmerced had a number of Air_BNB conversions, and short-term rental housing for business, or student uses (prior mentioned fraternity/sorority) housing along Holloway that displaced more residents, and were not restricted, or enforced by SFDBI and Planning in any way prior which caused families, and seniors to be displaced by noise, debris, over-use of shared amenities, and parking issues and impacts.

The issues and impacts on family housing stock requires a more concerning eye from the SF Planning Department on the growth of institutions in the limited land and properties in SF.

The need is to look at how this legislation may impact or review projects over 5 bedrooms or 2500 SF in size, but does it do enough to regulate the impacts of the growth and boundaries of these types of projects? The D11 neighborhood adjacent to D7 has many homes and residences of architectural character and significance. The impacts being seen on architectural scale and character and the impacts of larger built homes in SF is having drastic visual impacts on neighbors and other homes in more residential neighborhoods.

This is not to say that there is room and possible solutions to building up and adding ADU's and secondary unit solutions in residential neighborhoods that can add housing for students or seniors, and help address housing needs.

It is to say that there are distinct impacts visually with the proposed legislation, in that the rules do not address buildings smaller than 2500 SF in size.

We have a lot of housing that is being remodeled (renovictions) and families displaced for the creation of multiple unit housing. Some developers and home-owners/contractors are gaming the system to create secondary units without permits or review, and impacting buildings interiors and facades with changes on back sides of homes without getting permits or review of safety and required planning and historical review of buildings when getting remodeled.

The need for single dwelling units for residential use is limited in SF based on our built-condition, which requires inventive solutions in adding floors or legalizing existing ground units. However some of these changes are drastically changing street elevations of smaller buildings, and ignoring the impacts visually on street character as homes get added doors, and windows, vents, and security grilles on ground floor levels.

The enforcement and review of these dwelling units requires more staffing and adequate neighborhood notification of the proposed changes visually and a review by possibly a neighborhood designated architectural review board.

The enforcement process was negligent on the enforcement and review of conditions in Parkmerced, units were sub-divided without review or permits, usually concealed behind shades and curtains, and never checked by SFSU-CSU Housing as they were located “off-site” in the main portions of Parkmerced, or ignored by SFSU-CSU Housing officials due to their housing “crisis” created by the enlargement and increased enrollment of SFSU-CSU FTE enrollment numbers.

The Executive summary notes that the “department is unaware of a direct link between the number of building occupants and a decrease in quality of life”.

This ignores the impacts that I have personally witnessed living in D7 Parkmerced (as garbage cans overflowed, debris blocked egress routes and access to basement laundry facilities, and parking decreased, and trains were over-filled, and landscaped areas ruined by overuse. Not to mention the loud impacts of partying students and lacking enforcement by CSU-Police). I have also seen this in D11 where larger families moving into 2-3 bedroom units with 10-15 people or more has impacted trash, water/sewer use, impacted parking sometimes 1-2 cars per person in some households!) with little real review of how the crowded conditions impact safety and air-quality in a smaller home (mold) and closed windows due to blocking windows and light. Not to mention safety and the concern that occurs with increased household numbers and sub-divided walls and partitions that agencies do not have access to without required admittance.

Larger homes and redevelopment or rehabilitation of existing homes by investors or LLC’s have indicated a method by which profits can be gleaned by remodeling evicting existing residents and renting out spaces as shared or split housing.

The impacts of such homes on prior residential single family housing neighborhoods is impactful and causes a reduction in quality of life issues, if not reviewed adequately and in timely fashion.

Trash containers stored on the street, indicate often mis-use of garages, and lower-floor areas, often renovated without permits, subdivided for additional “family” or friends, and ignoring safety and conditions that impact neighbors.

Bedroom regulation and counting of bedrooms in dwelling units is noted as “difficult” but under the auspices of the SFDBI and Planning to adequately review and control. If the department cannot properly document such conditions, and review changes to elevations of buildings when land-transfers occur than there should be a process in place that allows for requested review by neighbors when conditions indicate that thresholds are being over-impacted based on the buildings prior bedroom count.

There is a nuisance when over-use of a residential property impacts a neighbor, maintaining quality of life issues is key to understanding land-value and appreciation, and the need to look at more comprehensive policies to review remodel work, and illegal conversion of housing to

institutional use, or dormitory styled living that is not somehow under control of the institution where these residents are attending.

I asked prior Jason Porth of SFSU-CSU why they could not deal with their own students, who lived in the remainder of Parkmerced? They only could address units where students lived in CSU property. The expansion of which drastically and negatively impacted prior rental housing stock on the west-side of San Francisco.

I have multiple examples of group housing on my street and will not identify the units out of their privacy but feel it is worth mentioning.

- 1) One family along Lisbon lives in a 3 bedroom 1-bath with at least 12 people entering and leaving the house. They have 4-5 cars and frequent visitors.
- 2) One group of residents is shared housing and company that is a Hauling/Waste company that lives in multiple units around the area, parking dumping trucks on the main street. Often leaving debris, and parking personal cars and trucks along the main street eliminating crucial parking near the JHSF senior home.
- 3) Another unit along Avalon, was used for temporary Air BNB and eventually had to have the police called to evict people throwing objects from the windows after breaking into a unit.
- 4) Another unit along Lisbon is a group of students, who do not interact as neighbors do, but prefer to use uber-lyft and have constant deliveries to their address.
- 5) Another unit along Lisbon is a group of students/workers living in a shared habitation where again they park multiple cars on the street, and have converted spaces on the interior.
- 6) Another family has a unit on Lisbon, where the basement floor inhabited by residents has no windows, so the children have insufficient light and access to air.

There are probably many more examples in D11, and D7 and elsewhere in the city, the impacts visually on the neighborhood from these co-housing situations, impacts the residential character of the neighborhood and becomes a nuisance when not reviewed and documented by city agencies in timely and regular intervals for safety and assured review of changes being made to the residences by avoiding permits and proper process of review.

The impacts of group housing have side effects, trash on streets, debris, cars (Paving over driveways so more cars can park in front of a home is a typical result eliminating green strips and landscape pervious pavement), impacts on transportation, impacts on public amenities like libraries, schools, and public pools. The need is to assess the numbers of people, and ensure public infrastructure is adequate for the population being proposed, and that steps are taken to look at building changes and making more effort of review of projects and inspection of homes for safety and essential maximum population per building bedroom units. Regardless of cultural differences a 1-bedroom should not have more than a set max per building. Its about occupancy and controls, and the city needs to get a hold on this issue.

I hope that the legislation is reviewed in terms of the impacts on residential family housing citywide, and that steps are taken to document the loss of essential housing stock in and adjacent to institutional growth areas, and that steps are taken to protect neighborhood character, and architectural review of changes to buildings over 2500SF proposed, or under 2500SF proposed so we have some formal overall and all-encompassing system of documenting and assuring public safety and the right to quiet enjoyment of personal property.

I witnessed firsthand the displacement, nuisance and negative impacts of institutional growth on a residential prior focused community. I do not wish to see it continue in all areas of the city, and believe the basis to control this impact is up for discussion, but it remains in the details of how the city wants to either address, or absolve itself from prior wrongs, and negligent review on the concerns of student increased housing needs, and institutional growth impacts on the “protected-family-housing-unit” that is being pirated for shared housing and other more temporary uses.

I also wish to strongly advocate for a design review panel or board in D11 for the ongoing changes occurring in our district so that more local review and control can occur on both larger and smaller housing projects and proposals including residential changes, which many individuals in this district do not pay attention to or cannot file repeated DR’s on which are costly and time consuming for individuals to chase after. It is also very apparent that to many projects change during construction, and I have seen other larger projects (JHSF is a prime example) along with smaller housing projects which focus on large square footage additions but lack critical design and aesthetic review in terms of materials, details, front landscaping, and color choice, and other sites that have had major changes to their prior presented features, that are concerning and become negative impacts if not properly reviewed and curated during the construction process by the SFDBI and SF Planning reviewers.

I am not adverse to density nor change, but feel that the planning process is failing to correct and review adequately changes occurring in residential family friendly neighborhoods.

Sincerely

Aaron Goodman D11

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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.

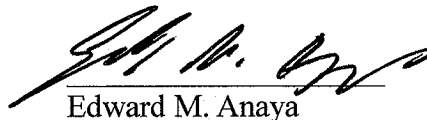
Alternative B – Exempt mass-transit zones – The proposal district should exempt housing adjacent to mass transit zones, such as Mission and Geneva streets, because new housing in those areas is already able to accommodate new housing, given its proximity to transit, amenities, and infrastructure typically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

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

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

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

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

Section 1. Environmental and Land Use Findings.

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

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

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

12
13 Section 2. Article 2 of the Planning Code is hereby amended by adding Section 249.3,
14 to read as follows:

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

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

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

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

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

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

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

- (A) five or more bedrooms; or
- (B) the smallest unit in a multiple dwelling unit project, including projects with ADUs, being less than 33% of the size in floor area of the largest unit; or
- (C) Floor Area Ratio exceeding the limits in Table 249.3.

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

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

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

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

- (1) The proposed project maximizes allowed density, including allowed ADUs;
- (2) If the proposed project results in five or more bedrooms in any dwelling unit, no more than three full bathrooms per dwelling unit;
- (3) The proposed project is compatible with surrounding development in terms of floor area, building scale, and form; or
- (4) The proposed project does not add new off-street parking areas.
- (f) This Section 249.3 shall apply to building permit applications received on or after the effective date of the ordinance, in Board of Supervisors File No. _____, creating this Section.

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

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
All parcels within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280.	Oceanview Large Residence Special Use District

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

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

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

7 By: _____
8 ROBB W. KAPLA
9 Deputy City Attorney

10 n:\legana\as2018\1800324\01356614.docx