



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: AUGUST 29, 2019
90-DAY DEADLINE: OCTOBER 28, 2019

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Planning
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Project Name: **Allowing Long Term Parking of and Overnight Camping in Vehicles and Ancillary Uses at 2340 San Jose Avenue**

Case Number: **2019-014759PCA [Board File No. 190812]**

Initiated by: **Supervisor Safai / Introduced July 23, 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**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to allow temporary long-term parking of and overnight camping in vehicles, and ancillary uses including administrative offices, restrooms, showering or bathing facilities, kitchen or other food preparation facilities, and eating areas, at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039, subject to compliance with all other Municipal Code requirements, including but not limited to requirements of the Overnight Safe Parking Pilot Program

The Way It Is Now:

The long-term parking of and overnight camping in vehicles with ancillary uses in portable, temporary structures is not an allowed temporary use for any duration in the Planning Code.

The Way It Would Be:

The long-term parking of and overnight camping in vehicles with ancillary uses in portable, temporary structures would be an allowed temporary use for not more than two years at Assessor's Parcel Block No. 6973, Lot No. 039 (2340 San Jose Avenue).

BACKGROUND

Programs for the Vehicular Homeless Ordinance

The Safe Overnight Parking Pilot Program (Pilot Program) became effective on June 9, 2019.¹ The Pilot Program provides eligible vehicular homeless persons a place to park and sleep in their vehicles

¹ Ordinance 82-19

<https://sfgov.legistar.com/View.ashx?M=F&ID=7223293&GUID=FF25F6C1-1866-4CCC-9616-55DB05C8EF40>

overnight, case management, and other social services. Eligible persons allowed to park their vehicle at a Safe Overnight Parking Lot are those that live in an operable vehicle, report having lived in a vehicle for at least 30 consecutive days, and that have been referred to the Safe Overnight Parking Lot by specific City or non-profit service providers. Priority is given to senior citizens, people living with chronic illness, families with children under the age of 18, and people with disabilities. Pilot Program participants can stay at a Safe Overnight Parking Lot for between 60 to 90 days.

To facilitate the Pilot Program, the Director of Real Estate must survey the City to identify appropriate lots. The survey includes both private and public property. Publicly controlled properties include those being used for other purposes but that could be converted for use as a Safe Overnight Parking Lot, such as surface parking lots.

Periodic reports to the Board of Supervisors (BOS) on the outcomes of the Overnight Safe Parking Program are also required. This includes a June 2020 report by the Controller and the Director of the Department of Homelessness and Supportive Housing on lessons learned. This June 2020 report must also provide recommendations as to how and whether the Overnight Safe Parking Program should continue.

ISSUES AND CONSIDERATIONS

Homelessness in San Francisco

The City's homeless population has increased since the last county-wide survey conducted in 2017. While some claim the increase is as high as 30%,² the City's 2019 Homeless Point-in-Time Count Survey indicates a 17% rise.³ In either case, the growth in homelessness is significant and being felt across San Francisco.

One example is the proliferation of individuals living in Recreational Vehicles (RVs) and camper vans. As the 2019 Homeless Point-in-Time Count Survey indicates, the percentage of individuals reporting that they sleep in vehicles has been steadily increasing since 2015.⁴ A recent news article highlights this as well, and notes that RVs and camper vans are commonly found in the southeast areas of the City.⁵ Neighborhood outcry over safety and public health has been a consequence of the relative geographic concentration of RVs and camper vans. Another was the realization of the need to provide locations where these homeless individuals may park and access housing, health and other social services.

² The numbers are in: SF homeless population rose 30% since 2017. Kevin Fagan July 8, 2019 San Francisco Chronicle. Accessed July 24, 2019.

<https://www.sfchronicle.com/bayarea/article/The-numbers-are-in-SF-homeless-population-rose-14080982.php>

³ 2019 San Francisco Homeless Point-in-Time Count Survey,

<http://hsh.sfgov.org/wp-content/uploads/FINAL-PIT-Report-2019-San-Francisco.pdf>

⁴ 2019 San Francisco Homeless Point-in-Time Count Survey.

⁵ Southeast neighborhoods grapple with RVs- next phase of the homeless crisis. Rachel Swan October 11, 2018. San Francisco Chronicle. Accessed July 24, 2019

<https://www.sfchronicle.com/bayarea/article/Southeast-neighborhoods-grapple-with-RVs-next-13297778.php>

2340 San Jose Avenue

The property at 2340 San Jose Avenue is owned by the City. It is near the Balboa BART station, MUNI's Cameron Beach Yard and the Geneva Car Barn and Powerhouse. The property is currently used as a surface parking lot, making it an ideal candidate for conversion to another, more needed use. In fact, the property is slated to become approximately 120 units of permanently affordable housing, with a ground breaking in the next 12 to 24 months. This timeframe prompts the use of the site as an interim use.

Temporary Use Authorizations

A Temporary Use Authorization (TUA) allows specific land uses for limited periods of time on properties where they may not otherwise be allowed.⁶ The temporary authorizations range from 24 hour to 24-month durations, with certain allowances for limited re-authorizations. TUAs can be secured across the City, are not site specific, and allow the same land use on multiple properties. For example, during October different parcels across the City are used as pumpkin patches in anticipation of Halloween. In this way the existing TUA mechanism is sufficiently flexible to address the temporary use of different properties for specific uses, year after year, without requiring a separate legislative process for each individual site.

Temporary Homeless Shelter Provisions during Shelter Crisis Ordinance

The Temporary Homeless Shelter Provisions during Shelter Crisis Ordinance became effective in May 2019.⁷ This Ordinance created an alternative, streamlined permitting process for homeless shelters across the City during a declared shelter crisis. It also provided an expedited appeal process. The procedural pathways this Ordinance created are one way to expeditiously establish new shelters for individuals or households enduring homelessness without the need for new legislation for each new location. Currently, it does not afford these procedural pathways for sites serving the vehicularly homeless but could through amendment.

General Plan Compliance

By facilitating the establishment of an interim location for homeless individuals residing in vehicles to safely park and access social services, the proposed Ordinance aligns with the relevant General Plan policies in the Housing Element and the Balboa Park Station Area Plan. Those policies include ones directing the coordination of shelter programs and health care outreach services, the provision of service enriched housing options and the prioritization of affordable housing on publicly-owned sites.

Racial and Social Equity Analysis

The 2019 San Francisco Homeless Point-in-Time Count Survey found that Hispanic/Latinx, Black or African American, and Multiracial respondents were homeless at rates higher than their corresponding ratio of the City's general population. Further, the survey of persons living in vehicles also showed that Hispanic/Latinx and Black or African American respondents disproportionately comprise that

⁶ Planning Code Section 205, Temporary Uses, General

⁷ Ordinance 60-19

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=3839605&GUID=6BFE5E8C-CD4D-47E7-AAEE-2FAC9BE3B2D6&Options=ID|Text|&Search=60-19>

population.⁸ While this is an unfortunate situation, it also means that resources aimed at the homeless, including the vehicularly homeless, are also likely to be secured by these groups at disproportionate rates. This targeting of resources can therefore help improve racial and social equity in San Francisco.

Implementation

The Department has determined that this Ordinance will impact our current implementation procedures by requiring a revision to the TUA application. The proposed changes can be implemented without increasing permit costs or review time.

RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. **Expand the Program.** For the June 2020 report back to the BOS, recommend that the Ordinance be amended to apply to more than one site, therefore eliminating the need for subsequent legislation for future Overnight Safe Parking Lots.

BASIS FOR RECOMMENDATION

Given the escalating homelessness crisis, the Department supports the proposed Ordinance and its ultimate intention of connecting individuals to housing and social services. Creating a process to establish a location for the vehicularly homeless to safely reside is an important strategy for making those connections. However, the Department believes that a different permitting process is needed to efficiently continue this effort into the future.

Recommendation 1: Expand the Program. Because of its site specificity, the TUA in the proposed Ordinance can only be used at one location. It is highly doubtful that the vehicularly homeless crisis will be resolved in a 24-month time frame utilizing only one site. More time and future sites will be required. Staff recommends amending the Ordinance to facilitate the establishment of future Overnight Parking Lots and avoid a new legislative process for each subsequent Overnight Parking Lot. This can be done by amending the TUA process by eliminating its site specificity or utilizing the Temporary Homeless Shelter Provisions during Shelter Crisis Ordinance that provides for approval procedures applicable across the City. This amendment should be recommended as part of the June 2020 report back to the BOS regarding the Overnight Safe Parking Program.

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 Categorical Exempt under CEQA Guidelines Class 3 and 6 Exemptions.

⁸ Caplan, Valerie, Department of Homelessness and Supportive Housing "2019 SF Homeless." Message to Diego Sánchez. 30 July 2019. E-mail.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

Exhibit A: Draft Planning Commission Resolution

Exhibit B: Board of Supervisors File No. 190812



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE AUGUST 29, 2019

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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW TEMPORARY LONG-TERM PARKING OF AND OVERNIGHT CAMPING IN VEHICLES, AND ANCILLARY USES INCLUDING ADMINISTRATIVE OFFICES, RESTROOMS, SHOWERING OR BATHING FACILITIES, KITCHEN OR OTHER FOOD PREPARATION FACILITIES, AND EATING AREAS AT 2340 SAN JOSE AVENUE, ASSESSOR'S PARCEL BLOCK NO. 6973, LOT NO. 039, SUBJECT TO COMPLIANCE WITH ALL OTHER MUNICIPAL CODE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO REQUIREMENTS OF THE OVERNIGHT SAFE PARKING PILOT PROGRAM; 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 July 23, 2019 Supervisor Safai introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190812, which would amend the planning code to allow temporary long-term parking of and overnight camping in vehicles, and ancillary uses including administrative offices, restrooms, showering or bathing facilities, kitchen or other food preparation facilities, and eating areas at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No. 039, subject to compliance with all other municipal code requirements, including but not limited to requirements of the Overnight Safe Parking Pilot Program;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on August 29, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Guidelines Class 3 and 6 Exemptions; 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 require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. Modifications include:

Recommending that at the June 2020 report to the Board of Supervisors regarding the Overnight Safe Parking Program that the Ordinance be considered for amendment. Amendments should facilitate the establishment of new sites across the City. This can be done by amending the TUA process by eliminating its site specificity or utilizing the Temporary Homeless Shelter Provisions during Shelter Crisis Ordinance that provides for approval procedures applicable across the City.

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. Given the persistent and escalating homelessness crisis, it is crucial that the City find ways to connect individuals to housing and social services.
2. Creating a Planning Department authorization to establish a location for the vehicularly homeless to safely reside is an important strategy for making those connections. Such authorization should be amended so that the creation of future Safe Overnight Parking locations does not require a new legislative process for each location.
3. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modification is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 6

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

Policy 6.1

Prioritize permanent housing and service-enriched solutions while pursuing both short- and long-term strategies to eliminate homelessness.

Policy 6.4

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services

The proposed Ordinance would facilitate the establishment of a temporary location for homeless individuals to secure housing and case management services, while sheltering in their vehicles. The services offered at the temporary location will help coordinate assistance efforts among multiple service providers with the aim of finding permanent homes.

BALBOA PARK STATION AREA PLAN

OBJECTIVE 4.5

PROVIDE INCREASED HOUSING OPPORTUNITIES AFFORDABLE TO A MIX OF HOUSEHOLDS AT VARYING INCOME LEVELS.

Policy 4.5.1

Give first consideration to the development of affordable housing on publicly-owned sites

The proposed Ordinance will facilitate the development of an interim location for homeless individuals to reside in their vehicles while accessing social services on a property owned by the City and County of San Francisco.

4. **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 proposed Ordinance will not have an effect on neighborhood serving retail uses as it proposes to create a new type of Temporary Use Authorization to allow a pilot program for the provision of social services and a location for overnight parking of vehicles in which persons shelter.

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 will not have a negative effect on housing or neighborhood character because the Ordinance proposes a Temporary Use Authorization for a use that is not permanent and will be replaced within 24 months.

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

The proposed Ordinance will not have an adverse effect on the City's supply of affordable housing because it proposes to create a new type of Temporary Use Authorization that allows the overnight parking of vehicles for the vehicularly homeless.

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

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service and would potentially improve neighborhood parking as it proposes to facilitate the establishment of a location for vehicles to park overnight.

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 would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired because the Ordinance proposes to create a new type of Temporary Use Authorization for the provision of overnight parking and social services.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake as the Ordinance proposes a new type of Temporary Use Authorization.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings as it creates a new type of Temporary Use Authorization for use on a property that is not a landmark or has is improved with any buildings.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas as the Ordinance proposes to create a new type of Temporary Use Authorization.

5. **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 MODIFICATION the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 29, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 29, 2019

1 [Planning Code - Allowing Long-Term Parking of and Overnight Camping in Vehicles and
2 Ancillary Uses at 2340 San Jose Avenue]

3 **Ordinance amending the Planning Code to allow temporary long-term parking of and**
4 **overnight camping in vehicles, and ancillary uses including administrative offices,**
5 **restrooms, showering or bathing facilities, kitchen or other food preparation facilities,**
6 **and eating areas at 2340 San Jose Avenue, Assessor's Parcel Block No. 6973, Lot No.**
7 **039, subject to compliance with all other Municipal Code requirements, including but**
8 **not limited to requirements of the Overnight Safe Parking Pilot Program; affirming the**
9 **Planning Department's determination under the California Environmental Quality Act;**
10 **making findings of consistency with the General Plan, and the eight priority policies of**
11 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**
12 **and welfare under Planning Code, Section 302.**

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

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

21 Section 1. Environmental and Land Use Findings.

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

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

6 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution No. _____ and the Board incorporates such
9 reasons herein by reference. A copy of Planning Commission Resolution No. _____ is on
10 file with the Clerk of the Board of Supervisors in File No. _____.

11
12 Section 2. Factual Findings.

13 (a) On May 10, 2019, the City enacted Ordinance No. 82-19, creating the Safe
14 Overnight Parking Pilot Program to provide eligible vehicularly homeless persons a place to
15 park and sleep in their vehicles overnight, case management, and other services, to address
16 the increasing numbers of individuals residing in their vehicles.

17 (b) The 2019 San Francisco Homeless Point-in-Time Count and Survey estimates that
18 approximately 578 vehicles, including passenger vehicles, recreational vehicles ("RVs") and
19 vans, appear to be inhabited. According to housing rights advocates, these estimates are
20 conservative, and the actual number of people living temporarily or permanently in their
21 vehicles is much higher. The population of vehicularly homeless persons is diverse and
22 vulnerable, and includes families with children, young people, immigrants, the physically and
23 mentally disabled, seniors, veterans, the employed, and the underemployed.

24 (c) The Board of Supervisors finds that 2340 San Jose Avenue, Assessor's Block
25 6973, Lot 039, which is currently used as a parking lot, is a suitable site for implementation of

1 the Safe Overnight Parking Pilot Program on a temporary basis, until the site is used for
2 construction of affordable housing. The Mayor's Office of Housing and Community
3 Development anticipates that construction of affordable housing on the site will begin in Fall
4 2020.

5
6 Section 3. The Planning Code is hereby amended by revising Section 205.2, to read
7 as follows:

8 **SEC. 205.2. TEMPORARY USES: ONE- OR TWO-YEAR LIMIT.**

9 A temporary use may be authorized for a period not to exceed two years for any of the
10 following uses:

11 * * * *

12 (f) On Assessor's Block 6973, Lot 039, long-term parking of and overnight camping in vehicles,
13 and ancillary uses in portable, temporary structures including administrative offices, restrooms,
14 showering or bathing facilities, kitchen or other food preparation facilities, and eating areas, may be
15 permitted, subject to compliance with all other Municipal Code requirements, including but not limited
16 to the Overnight Safe Parking Pilot Program, Administrative Code Chapter 119, Article I.

17
18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the “Note” that appears under
3 the official title of the ordinance.

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

7 By: _____
8 VICTORIA WONG
9 Deputy City Attorney

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