



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE FEBRUARY 13, 2020

Project Name: **Market and Octavia Area Plan Amendment**
Case Number: **2015-000940PCA**
Initiated by: Planning Commission
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Reviewed by: Joshua Switzky, Land Use and Community Planning Program Manager
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Recommendation: **Initiate and Schedule for Adoption on or After March 12, 2020**

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ADOPTING A RESOLUTION OF INTENTION TO INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND BUSINESS AND TAX REGULATIONS CODE TO CREATE THE HUB HOUSING SUSTAINABILITY DISTRICT.

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend proposed amendments to the Planning Code to the Board of Supervisors; and the San Francisco Planning Department is proposing to amend the Planning Code as part of the Market and Octavia Area Plan Amendment; and

WHEREAS, Assembly Bill 73 (hereinafter "AB 73"), California Government Code Sections 66200 et seq., which took effect January 1, 2018, authorizes local municipalities to designate by ordinance one or more Housing Sustainability Districts (hereinafter "HSD") to provide a streamlined, ministerial approval process for residential and mixed-use developments meeting certain requirements. AB 73 requires local agencies to prepare an Environmental Impact Report (hereinafter "EIR") to identify and mitigate the environmental impacts of designating an HSD. Projects approved under an HSD ordinance must implement applicable mitigation measures identified in the EIR.

WHEREAS, the Planning Code and Business and Tax Regulation Code Amendments would establish the Hub Housing Sustainability District (hereinafter "Hub HSD") which would provide a streamlined, ministerial process for approval by the Planning Department of developments in the Market and Octavia Plan Area meeting the requirements of AB 73 and other eligibility criteria. The Amendments propose to remove the requirement to hold a Planning Commission hearing to consider discretionary review of these development proposals, in order to meet the streamlining requirements of AB 73.

WHEREAS, these Amendments contain proposals for changes to standards from those currently established by the Planning Code and Business and Tax Regulations Code, including but not limited to those for review and approval of residential and mixed-use developments and appeals of permit decisions to the Board of Appeals.

WHEREAS, this Resolution initiating amendments to the Planning Code and Business and Tax Regulation Code is a companion to other legislative approvals relating to amendments to the Market and Octavia Area Plan, including amendments to the General Plan, Planning Code, Zoning Map and implementation program.

WHEREAS, These Planning Code and Business and Tax Regulations Code Amendments, together with the proposed General Plan, Planning Code, and Zoning Map Amendments and the Implementation Program document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Planning Code and Business and Tax Regulations Code Amendments help to implement the vision for the Hub area as described in the Market and Octavia Area Plan by streamlining approval of residential and mixed-use development projects meeting certain eligibility criteria and thereby encouraging construction of on-site, permanently affordable housing units in the Plan Area.

WHEREAS, the Planning Code governs permitted land uses and planning standards in the City. The Business and Tax Regulations Code provides the legislative basis for, direction to, and limitations on the review, approval, denial, and revocation of permits by executive agencies of the City. Thus, conforming amendments to the Planning Code and Business and Tax Regulations Code are required in order to establish and implement the Hub HSD. An ordinance, approved as to form by the City Attorney and attached hereto as Exhibit IV-2, has been drafted in order to make revisions to the Business and Tax Regulations Code and Planning Code necessary to implement the proposed Hub HSD. This ordinance amends Business and Tax Regulations Code Section 8 and 26 and adds Planning Code Section 344 to establish and implement the Hub HSD.

WHEREAS, The Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on February 13, 2020; and

WHEREAS, the Planning Department commenced the California Environmental Quality Act (CEQA) process in December 2017, released an Initial Study Draft Environmental Impact Report in July 2019; and will complete the environmental review process prior to the Commission taking action on the proposed Ordinance; and

WHEREAS, the 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 Planning Department staff and other interested parties; and

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

WHEREAS, the Commission has reviewed the proposed Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Planning Code Section 302(b), the Commission adopts a Resolution of Intention to Initiate Amendments to the Planning Code and Business and Tax Regulations Code, as contained in the proposed Planning Code and Business and Tax Regulation Code amendment Ordinance, approved as to form by the City Attorney and attached hereto as Exhibit IV-2.

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Commission authorizes the Planning Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the proposed Ordinance, approved as to form by the City Attorney and attached hereto as Exhibit IV-2, to be considered at a publicly noticed hearing on or after **March 12, 2020**

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 13, 2020

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: