



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Planning and Administrative Code Text Change

HEARING DATE: DEC 18, 2014

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Project Name: **Amendments relating to the Definition and Controls for Homeless Shelters to Comply with State Law**

Case Number: 2012.1180T [Board File No. 141210]

Initiated by: **Mayor Ed Lee** / Introduced November 25th, 2014

Staff Contact: Kimia Haddadan, Legislative Affairs
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Recommendation: **Recommend Approval**

PLANNING CODE AMENDMENT

The proposed ordinance would amend the Planning Code to define Homeless Shelter and to establish zoning, open space, and parking policies for this use in compliance with California Government Code requirements. It would also amend the Administrative Code to require contracts between the City and shelter operators to contain operational standards.

The Way It Is Now:

The Planning Code currently does not include a definition for homeless shelters. When reviewing homeless shelter applications, the Zoning Administrator determines which Planning Code use category would best define the proposed use. Currently, there are two established interpretations: 1) emergency shelters operating more than a month are interpreted as “group housing”; 2) emergency shelters operating for less than a month are identified as “hotel” use. Group housing is allowed as of right in certain districts and with conditional approval in some other districts (see Exhibit A). Hotel uses, however, are only allowed with conditional approval in certain zoning districts (see Exhibit B). The latter interpretation is out of compliance with the State Law requirements.

The Way It Would Be:

The proposed legislation would create consistency in reviewing homeless shelter applications per the Planning Code. It would:

- Create a definition for homeless shelters in the Planning Code, reflecting the current implications of this type of use in the neighborhood based on the more current trends of shelter operation.
- Allow this use as of right in certain zoning districts and with conditional approval in some other districts, reflecting the group housing zoning controls.
- Exempt homeless shelters from open space, car and bicycle parking, as well as impact fee requirements.

- Apply certain good neighbor policies to homeless shelters, as defined in the Administrative Code.

ISSUES AND CONSIDERATIONS

State Law Requirements

California State Law¹ requires jurisdictions to allow emergency shelters as of right at least in one zoning district. Per State law, "Emergency shelter" means: "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay." The State law allows jurisdictions to apply certain restrictions for emergency shelters such as: maximum number of beds or persons permitted to be served nightly, size and location of exterior and interior on-site waiting and client intake, provision of on-site management, 300 foot buffer to other shelters, length of stay, lighting, and security during hours of operation.

Current Practice: Out of Compliance with State Law

Currently, the Zoning Administrator determines the use category that defines an emergency/homeless² shelter application based on two existing Planning Code interpretations. These interpretations were distinguished based on length of stay:

- a) shelters operating on a long-term basis (more than one month) are considered to be "group housing"³
- b) shelters operating on a short-term basis (less than a month) are considered to be "hotel uses"⁴

While group housing is allowed as of right in many zoning districts, hotel uses are only allowed with conditional approval in certain zoning districts. Based on these interpretations, if a proposed homeless shelter is considered a hotel use, the Planning Code does not have any zoning district that would allow the use as of right. This makes San Francisco's homeless shelter controls out of compliance with the State law.

¹ Chapter 633, Statutes of 2007 (SB 2)

² The State legislation refers specifically to emergency shelters, the Planning Code uses the term homeless shelter which encompasses emergency shelters with or without supportive services.

³ Section 209.2 of the Planning Code defines Group housing as: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit.

⁴ Section 790.46 of the Planning Code defines hotel use as: A retail use which provides tourist accommodations, including guest rooms or suites, which are intended or designed to be used, rented, or hired out to guests (transient visitors) intending to occupy the room for less than 32 consecutive days

The City's Approach to End Homelessness

According to the 2013 Homeless Count Report, there are 7,350 homeless people living in San Francisco including sheltered and unsheltered persons as well as unaccompanied children and transition age youth. Of these, approximately 59% were unsheltered (about 4200 people)⁵.

In 2004, the Ten Year Plan to Abolish Chronic Homelessness endorsed a particular type of permanent supportive housing known as "Housing First." The Housing First model emphasizes immediate placement of the individual in permanent housing with on-site supportive services in place (rather than emergency/homeless shelters). As mentioned in the recent Anniversary Report for the Ten Year Plan, this Plan directed the City to move its focus away from traditional emergency shelters and toward shelters with 24-hour crisis clinics. In the past 10 years, the emergency shelter system for adults lost capacity going from 1,579 beds in 2005 to 1,139 beds in 2014. While the City does not intend to significantly add to the capacity of homeless shelters, there is a shortage of facilities (see Exhibit C)⁶. The proposed Ordinance would clarify the zoning controls to streamline the review process for any potential future homeless shelters applications across the City.

Existing Shelters: How They Operate

The Planning Department has approved 18 applications for homeless shelters⁷ under the existing Planning Code (see Exhibit D). The designated "use" varied greatly across the 18 applications, group housing was the most common "use" (7 applications), while only one or two were reviewed/approved under other use codes including hotel. The Table below lists all the use categories that defined the uses proposed in those applications.

Permitted as "Use"	Count
Group Housing	7
Apartments	2
Church	2
Tourist Hotel/Motel	2
1 Family Dwelling	1
Office	1
Residential Hotel	1
Retail Sales	1
Unknown	1
Total	18

⁵ 2013 Homeless Point-In-Time Count & Survey Comprehensive Report
<http://www.sfgov3.org/modules/showdocument.aspx?documentid=4819>

⁶ San Francisco Human Services Agency City and County of San Francisco: San Francisco's Ten Year Plan to End Chronic Homelessness: Anniversary Report Covering 2004 to 2014 <http://www.sfmayor.org/modules/showdocument.aspx?documentid=413>

⁷ There are actually 24 applications but six of those are resource centers only and not homeless shelters.

Currently, homeless shelters operate based on reservation through the City's 311 system. Reservations are made for 90 days whenever a sleeping unit is available for at least that period of time. These reservations generally can be extended for 30 days and in certain circumstances can be further extended for a second 30 day period. While there are still a few short-term stays, the majority of residents stay on a longer term basis. This longer term stay makes these residents more rooted in the neighborhood and less transient, which makes this use more similar to group housing than a hotel. Based on these similarities in use implications, the proposed legislation was drafted to allow homeless shelters in the same districts where group housing is permitted (see Exhibit E).

Homeless shelters are different than group housing, however, in that they provide their facilities free of charge for a targeted population of San Franciscans and are meant to only provide basic needs. As a result, the Ordinance exempts homeless shelters from certain planning code requirements, as described below.

Quality of Life Requirements

With more than 4,200 unsheltered homeless individuals and families in San Francisco, homeless shelters need to maximize their sleeping opportunities. Homeless shelters provide their facilities free of charge, with the purpose of addressing the very basic need of providing a roof over someone's head during the night. Therefore, while these facilities must meet life and safety standards, the quality of life requirements found in the Planning Code, such as parking facilities or required open space, are not necessary to meet the basic needs of homeless individuals. For example, most homeless people may not own a car or even a bicycle and therefore may not need parking spaces at their shelter. Similarly, instead of providing common open space within a homeless shelter, the space can be more efficiently used to provide more sleeping areas for these individuals. Responding to the specific purpose of homeless shelters, the proposed legislation was drafted to recommend exempting homeless shelters from car and bicycle parking, open space, as well as impact fee requirements.

Occupancy Limits

Density of most residential uses is regulated by the Planning Code, in terms of number of units or bedrooms permitted per parcel, or through building height and bulk limits. Homeless shelters do not usually provide units or bedrooms; accordingly the Planning Code does not have an existing metric to regulate density of this use. The Building Code & Fire Codes impose occupancy limits in terms of number of people per floor/space. Additionally, the Administrative Code (Standards of Care Act) controls the intensity of use in homeless shelters through minimum measurements for sleeping surfaces. This code was created specifically for homeless shelters, and reflects the most up to date understanding on the operation of homeless shelters. Since shelters provide beds in common areas, the proposed Ordinance was drafted to primarily rely on the existing metrics found in the Building and Fire Codes to regulate their intensity of use. The Planning Code will also continue to regulate density through the existing height and bulk limits.

Good Neighbor Policies

Currently, homeless shelters include in their contracts some policies that discuss the relationship between the shelter with the neighborhood and community in which they are located. The Standard of Care Act in

the Administrative Code includes requirements regarding operations of homeless shelters but it does not include any guidance on neighbor policies. The proposed Ordinance was drafted to incorporate some general policies regarding the relationships with the neighborhood into the Administrative Code's Standard of Care chapter. These policies will require on-site management for the shelter, a security plan for the hours of operation, sidewalk maintenance plan, as well as signage urging the clients to respect the neighbors in terms of noise and cleanliness.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

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

BASIS FOR RECOMMENDATION

Staff recommends approval of this Ordinance for the following reasons:

Allowing homeless shelters in the same districts where group housing is allowed- Homeless shelters in San Francisco generally operate based on a 90 day reservation system. While these facilities may have availability for one to three night stays, the majority of residents stay on a longer term basis. This longer term stay makes these residents more rooted in the neighborhood and less transient, which makes this use more similar to group housing than a hotel use.

Exempting homeless shelters from certain Planning Code requirements- Homeless shelters are also distinct from group housing as they offer their facilities free of charge to homeless individuals. The purpose of shelters is to accommodate the very basic need of a place to sleep for homeless individuals and families. Quality of life requirements in the Planning Code do not usually apply to this purpose. Therefore, the Department supports the provisions in the Ordinance that exempt shelters from complying with the Planning Code's car and bicycle parking, open space requirements, as well as impact fees.

Proposed density controls- Additionally, existing City Codes include sufficient requirements to regulate density in homeless shelter uses. These codes include: the Planning Code requirements for building height and bulks, the occupancy limits in the Building and Fire Code, and specific space requirements for homeless shelters in the Administrative Codes' Standard of Care law. The proposed Ordinance does not impose further density limits in the Planning Code for homeless shelter uses. Shelters can continue to efficiently use the limited space available to maximize their bed capacity within the existing life and safety standards.

State law requirements- Lastly, the State Law requires jurisdictions to allow homeless shelters as of right in at least one zoning district. Currently the San Francisco Planning Code is out of compliance with this law because of specific situations when a homeless shelter is interpreted as a hotel use. The 2009 Housing

Element called for compliance with this law in implementation measure 40⁸. The proposed Ordinance would bring the San Francisco Planning Code into compliance with the requirements of the Chapter 633, Statutes of 2007 (SB 2) of the California State Law and will implement the 2009 Housing Element for implementation measure 40.

ENVIRONMENTAL REVIEW

The proposed Ordinance would result in no physical impact on the environment. The proposed amendments are exempt from environmental review under Sections 15080(c)(2) and 15378 of the CEQA Guidelines.

PUBLIC COMMENT

Staff presented this Ordinance at the Local Homeless Community Board twice. LHCB strongly supports the proposed legislation. One comment was to also incorporate drop- in services in the legislation. Staff finds that drop-in services usually fall under the “Social Services” use category which is already allowed as of right in many zoning districts. This board also expressed concerns that the proposed legislation could retroactively apply new regulations to existing shelters. Staff confirmed that the proposed legislation would only apply to new applications, and would not affect existing homeless shelters. Lastly, staff heard a request to add social services to this Ordinance to be allowed as of right in the same zoning district. Staff clarifies that if a social service is accessory to the homeless shelter facility, meaning it would serve the residents in the shelter, it will be allowed as of right as an accessory use. However, social services that are independent of a homeless shelter or serve the general public have different use implications and therefore are identified as a different use category called Social Services.

RECOMMENDATION:	Recommendation of Approval
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Attachments:

- Exhibit A: Existing Controls for Group Housing
- Exhibit B: Existing Controls for Tourist Hotels
- Exhibit C: 2013 Homeless Count & Existing Homeless Facilities
- Exhibit D: Approved Applications for Homeless Facilities
- Exhibit E: Proposed Zoning Controls for Homeless Shelters
- Exhibit F: Draft Planning Commission Resolution
- Exhibit G: Board of Supervisors File No. 141210

⁸ “Planning will amend the San Francisco Planning Code to identify the appropriate districts, development standards, and management practices for as of right emergency shelters, per Government code section 65583(a), which requires the City to identify at least one zoning district where emergency shelters are allowed as of right....”

Exhibit A. Existing Controls for Group Housing

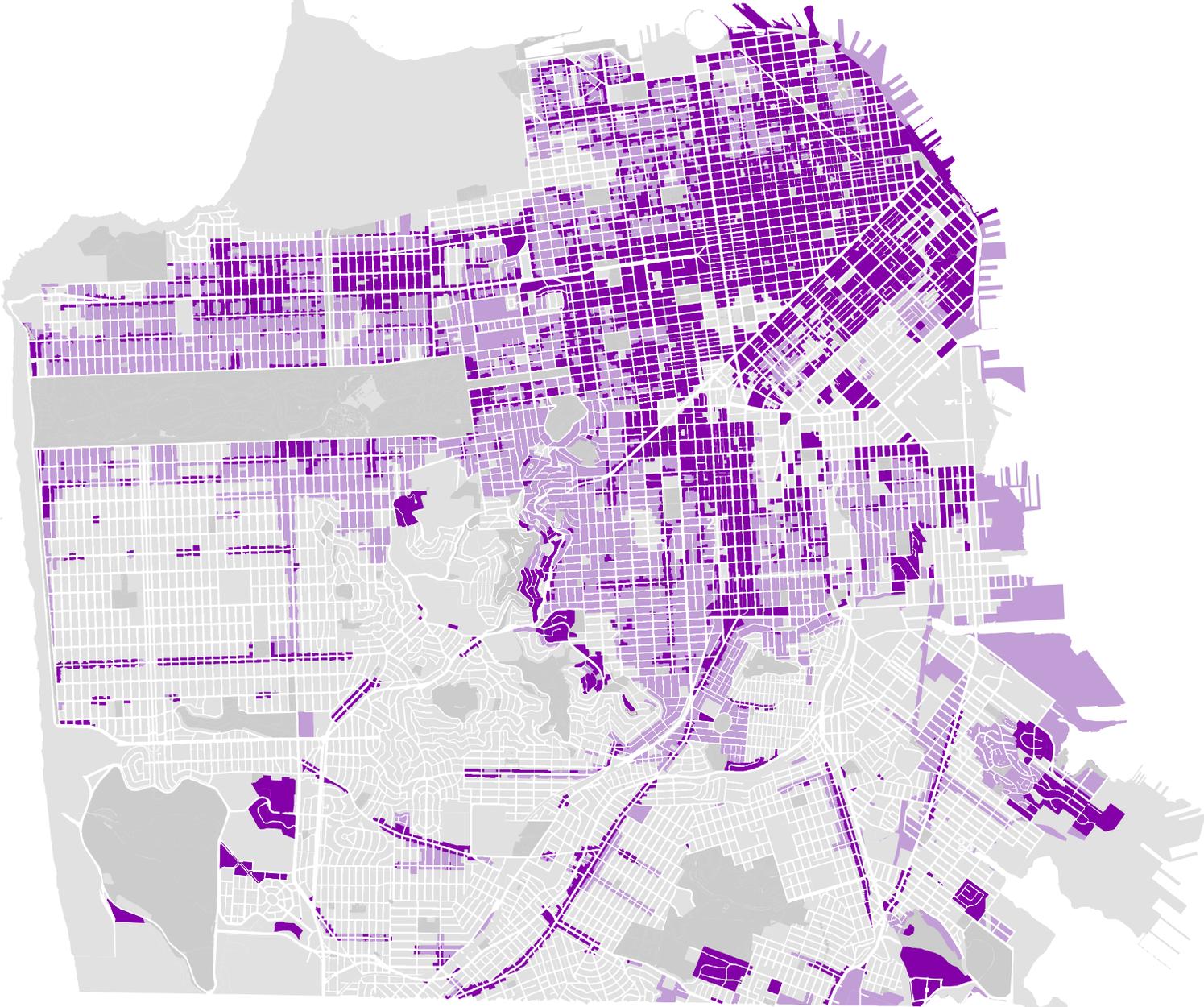
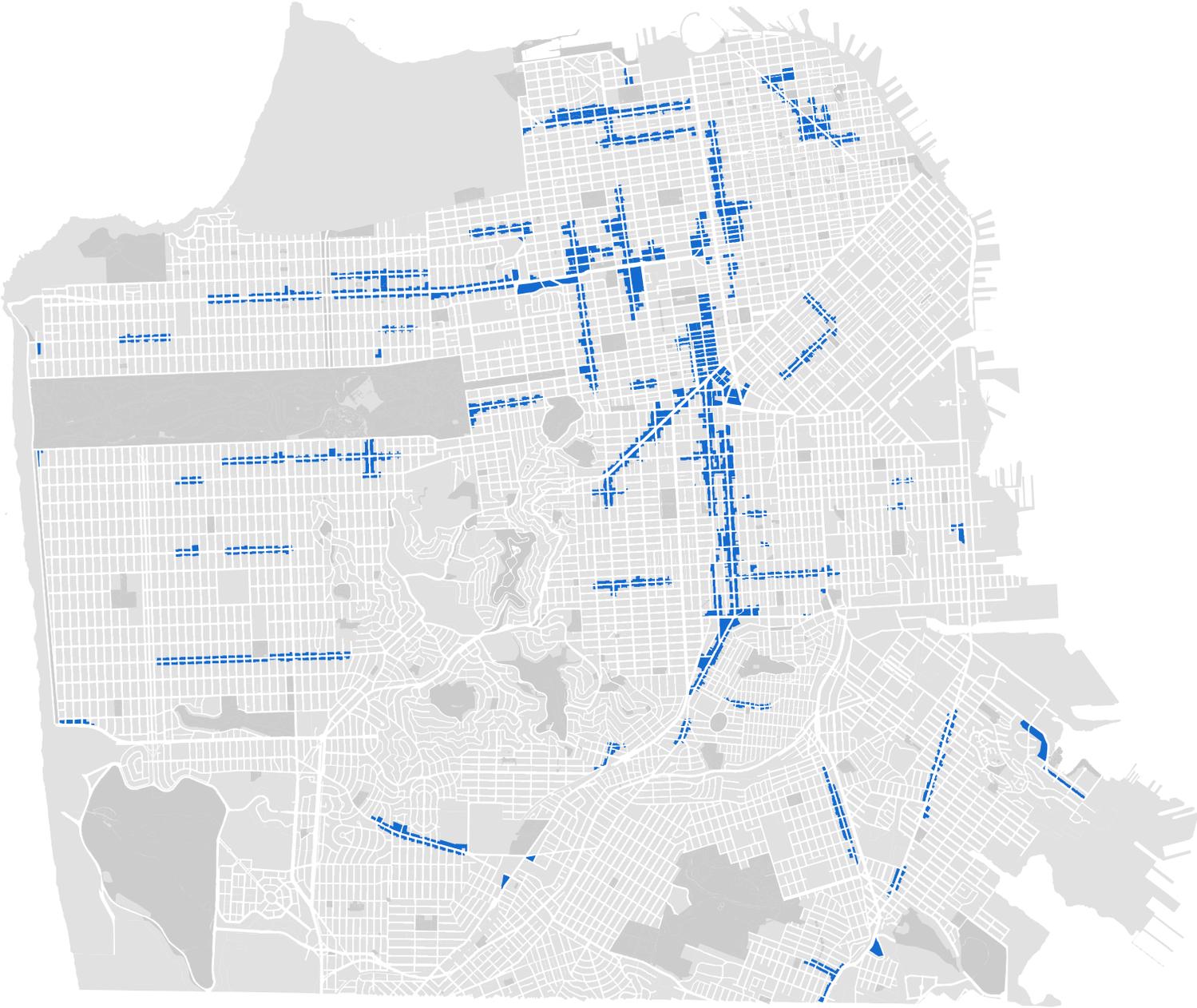


Exhibit B. Existing Controls for Tourist Hotels



2013 Homeless Count & Existing Homess Facilities

Homeless Shelters

1. A Woman's Place
2. Dolores Communy
3. Dolores Street - Santa Ana
4. Dolores Street - Santa Martha
5. Episcopal Sanctuary
6. Hospitality House
7. LarkInn
8. MSC South
9. Next Door
10. Providence
11. Huckleberry House
12. Larkin Street Youth Services
Diamond Youth Shelter
13. Compass
14. Compass
15. Compass Family Shelter
16. Hamilton Family Emergency
Shelter
17. Hamilton Family Residence
18. St. Joseph Family Shelter
19. Asian Women's Shelter*
20. La Casa de Las Madres*

Homeless Resource Centers

21. Bayview Hunters Point MSC
22. United Council of Human Services
23. Glide
24. Mission Neighborhood

* not mapped due to confidentiality

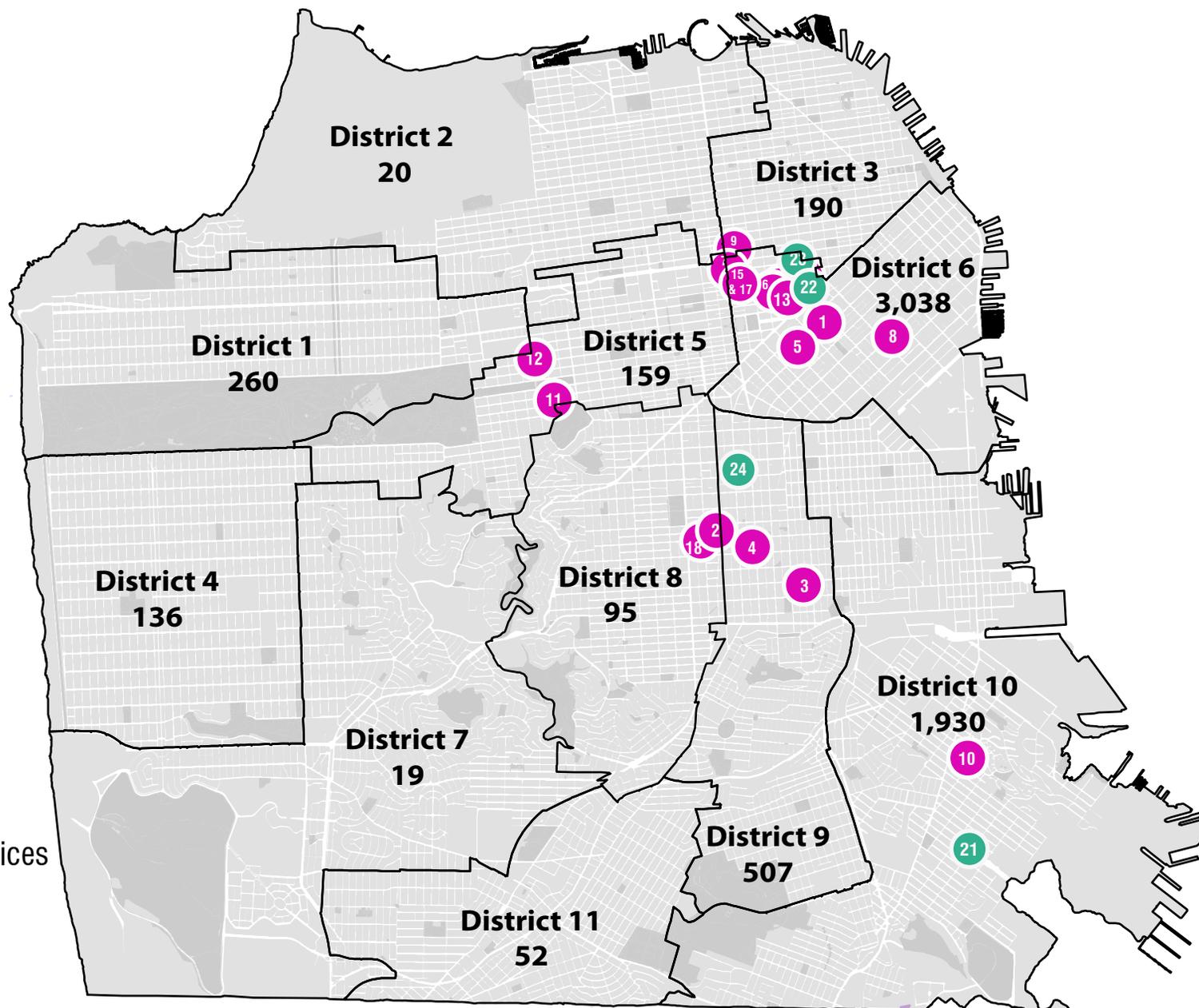
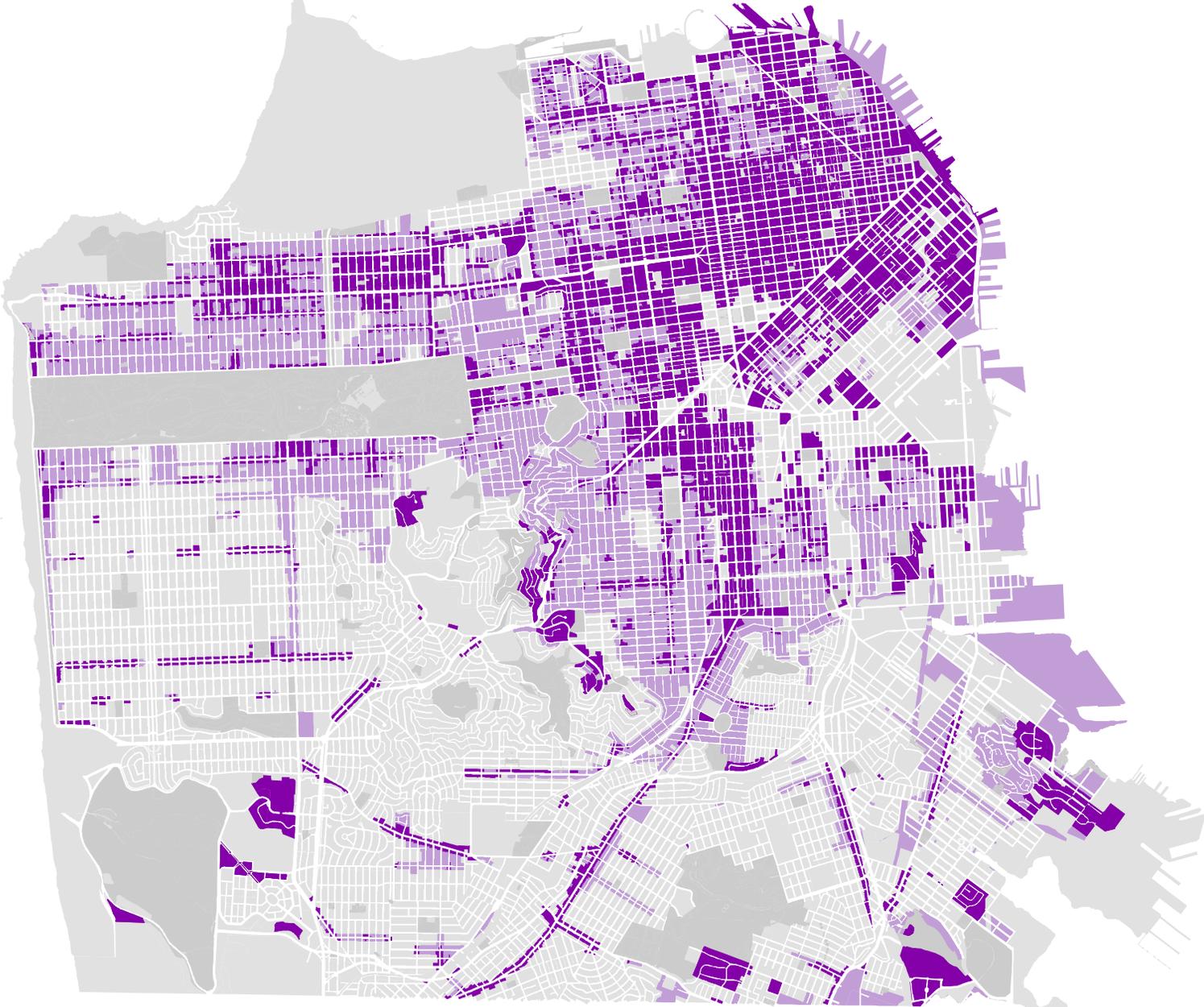


Exhibit D: Approved Applications for Homeless Facilities

# on Map	Name	Address	Type of Shelter	Hours of Operation	Number of Beds	Number of Bunks	Number of Mattresses	Number of Families	Use Type
1	A Woman's Place	1049 Howard St	Single Adult	24 hours	54	n/a	n/a	n/a	Group Housing
2	Dolores Community	938 Valencia St	Single Adult	7pm to 7am	85	57	30	n/a	Apartments
3	Dolores St. - Santa Ana	2909 24th St	Single Adult	7pm to 7am	28	n/a	n/a	n/a	-
4	Dolores St. - Santa Martha	1050 South Van Ness Blvd	Single Adult	7pm to 7am	57	n/a	n/a	n/a	Group Housing
5	Episcopal Sanctuary	201 08th St	Single Adult	24 hours	200	n/a	n/a	n/a	Church
6	Hospitality House	146 Leavenworth St	Single Adult	4:30pm to 8am	30	n/a	n/a	n/a	Group Housing
7	LarkInn	869 Ellis St	Single Adult	24 hours	40	n/a	n/a	n/a	Retail Sales
8	MSC South	525 05th St	Single Adult	4:30pm to 8am	340	n/a	n/a	n/a	Group Housing
9	Next Door	1001 Polk St	Single Adult	24 hours	334	n/a	n/a	n/a	Group Housing
10	Providence	1601 McKinnon Ave	Single Adult	9pm to 7am	110	n/a	n/a	n/a	Church
11	Huckleberry House	1292 Page St	Youth Shelter	24 hours	1	2	n/a	n/a	Group Housing
12	Larkin Street Youth Services - Diamond Youth Shelter	536 Central Avenue	Youth Shelter	Monday - Friday: 6:30pm - 8am; Saturday: 4pm - 8am	20	n/a	n/a	n/a	Tourist Hotel/Motel
13	Compass	44 McAllister St	Family	n/a	n/a	n/a	n/a	n/a	Residential Hotel
14	Compass	111 Taylor St	Family	n/a	n/a	n/a	n/a	n/a	Group Housing
15	Compass Family Shelter	626 Polk St	Family	24 hours	44	n/a	n/a	22	Tourist Hotel/Motel
16	Hamilton Family Emergency Shelter	261 Golden Gate Ave	Family	24 hours	46	n/a	n/a	n/a	Office
17	Hamilton Family Residence	260 Golden Gate Ave	Family	24 hours	54	n/a	n/a	27	Apartments
18	St. Joseph Family Shelter	899 Guerrero St	Family	24 hours	20	n/a	n/a	10	1 Family Dwelling
19	Asian Women's Shelter	confidential	Domestic Violence Shelter	24 hours	18	n/a	n/a	n/a	-
20	La Casa de Las Madres	confidential	Domestic Violence Shelter	24 hours	30	n/a	n/a	n/a	-
21	Bayview Hunters Point MSC	2111 Jennings St	Resource Center	n/a	n/a	n/a	n/a	n/a	Social Care Facility
22	United Council of Human Services	995 Market St	Resource Center	n/a	n/a	n/a	n/a	n/a	Office
23	Glide	330 Ellis St	Resource Center	n/a	n/a	n/a	n/a	n/a	Church
24	Mission Neighborhood	165 Capp St	Resource Center	n/a	n/a	n/a	n/a	n/a	Clinics-Medic/Dental

Exhibit E. Proposed Zoning Controls for Homeless Shelters





SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution Planning and Administrative Code Text Change HEARING DATE: DEC 18, 2014

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Project Name: **Amendments relating to the Definition and Controls for Homeless Shelters to Comply with State Law**

Case Number: 2012.1180I [Board File No. 141210]

Initiated by: **Mayor Ed Lee** / Introduced November 25th, 2014

Staff Contact: Kimia Haddadan, Legislative Affairs
Kimia.haddadan@sfgov.org, 415-558-6257

Reviewed by: Aaron Starr, Manager Legislative Affairs
aaron.starr@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO DEFINE HOMELESS SHELTER AND TO ESTABLISH ZONING, OPEN SPACE, AND PARKING POLICIES FOR THIS USE IN COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE REQUIREMENTS; AND WOULD AMEND THE ADMINISTRATIVE CODE TO REQUIRE CONTRACTS BETWEEN THE CITY AND SHELTER OPERATORS TO CONTAIN OPERATIONAL STANDARDS.

PREAMBLE

WHEREAS, on November 25th 2014 Mayor Ed Lee introduced a proposed Ordinance under the Board of Supervisors (hereinafter "Board") File Number 141210, which would amend the Planning Code to define Homeless Shelter and to establish zoning, open space, and parking policies for this use in compliance with California Government Code requirements; and would also amend the Administrative Code to require contracts between the City and shelter operators to contain operational standards; and

WHEREAS, Chapter 633, Statutes of 2007 (SB 2) of the California State Law requires jurisdictions to allow emergency shelters as of right at least in one zoning district; and

WHEREAS, based on the current interpretations in the Planning Code for Code Sections 209.2(a) and 216(b), San Francisco is currently out of compliance with this State Law requirement; and

WHEREAS, the proposed Ordinance has been determined not to be a project under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 17, 2014; 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 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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

FINDINGS

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

1. Chapter 633, Statutes of 2007 (SB 2) of the California State Law requires jurisdictions to allow emergency shelters as of right at least in one zoning district. Currently, the Planning Code does not include a definition for emergency/homeless shelters. The Zoning Administrator uses existing interpretations based on length of stay to determine whether a proposed shelter falls under the definition of group housing or hotel use. If a proposed homeless shelter is considered a hotel use, the Planning Code does not have any zoning district that would allow the use as of right. This makes San Francisco's homeless shelter controls out of compliance with the State Bill.
2. The Commission finds that shelters generally operate based on a 90 day reservation system. While these facilities may have availability for one to three night stays, the residents in shelters usually stay for 90 to 120 days. Homeless shelters provide sleeping amenities usually in large common rooms similar to group housing uses. Based on this similarity in use implication, the proposed Ordinance allows homeless shelters in the same districts where group housing is already permitted.
3. The Commission finds that Homeless shelters are also distinct from group housing as they offer their facilities free of charge to homeless individuals. The purpose of shelters is to accommodate the very basic need of a place to sleep for homeless individuals and families. Quality of life requirements in the Planning Code do not usually apply to this purpose. Therefore, the Commission supports the provisions in the Ordinance that exempt shelters from complying with the Planning Code's car and bicycle parking, open space requirements, as well as impact fees.
4. The Commission finds that the existing City Codes include sufficient requirements to regulate density in homeless shelter uses. These codes include: the Planning Code requirements for building height and bulks, the occupancy limits in the Building and Fire Code, and specific space requirements for homeless shelters in the Administrative Codes' Standard of Care law.
5. The Commission also finds that the recent Anniversary Report for the Ten Year Plan to End Homelessness directed the City to move its focus away from traditional emergency shelters and toward shelters with 24-hour crisis clinics. This Plan also endorsed a Housing First Model that

emphasizes immediate placement of the individual in permanent housing with on-site supportive services in place (rather than emergency/homeless shelters).

6. **General Plan Compliance.** The proposed Ordinance is consistent with the Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 4

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

POLICY 4.2

Provide a range of housing options for residents with special needs for housing support and services.

OBJECTIVE 6

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

POLICY 6.1

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

The proposed ordinance would help streamline review of homeless shelter application through clarifying definition and controls for homeless shelters. While the City's policy is to provide permanently housing for homeless people, homeless shelters provide necessary support for these individuals.

7. **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 would not have a negative effect on neighborhood serving retail uses and will not affect opportunities for resident employment in and ownership of neighborhood-serving retail.

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 not have a negative effect on housing or neighborhood character. The modifications proposed would impose minimal impact on the existing housing and neighborhood character.

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

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

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

The proposed Ordinance would not have an adverse effect on the City's commuter traffic and would not impede MUNI transit service or overburden the City's streets or neighborhood parking.

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.

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.

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.

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.

8. **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 recommends that the Board ADOPT the proposed Ordinance, approved as to form by the City Attorney in Exhibit A, described in this Resolution.

Resolution No.
Hearing Date: Dec 18, 2014

CASE NO. 2012.1180T
Definition and Controls for Homeless Shelters
to Comply with State Law

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on December 18th, 2014.

Jonas Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

1 [Planning and Administrative Codes - Definition and Controls for Homeless Shelters to
2 Comply with State Law]

3 **Ordinance amending the Planning Code to define Homeless Shelter and to establish**
4 **zoning, open space, and parking policies for this use in compliance with California**
5 **Government Code requirements; amending the Administrative Code to require**
6 **contracts between the City and shelter operators to contain operational standards; and**
7 **affirming the Planning Department’s California Environmental Quality Act**
8 **determination; and making findings of consistency with the City’s General Plan, and**
9 **the eight priority policies of Planning Code, Section 101.1.**

10
11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) California Government Code Section 65583 requires that the Housing Element of a
21 General Plan contain “[a]n assessment of housing needs and an inventory of resources and
22 constraints relevant to the meeting of those needs.” It further requires that the assessment
23 and inventory shall include, among other things, the identification of a zone or zones where
24 emergency shelters are allowed as a permitted use.

25 (b) The Planning Department has determined that the actions contemplated in this
ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.
2 Said determination is on file with the Clerk of the Board of Supervisors in File No. _____
3 and is incorporated herein by reference.

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

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

15
16 Section 2. The Planning Code is hereby amended by adding Section 102.38 and
17 revising Sections 135, 151, 155.2, 208, 209.2, 216, 406, 790.88, 803.5, 890.88, and the
18 Zoning Control Tables of Sections 710 - 743 and 810 - 818, 827, 829, and 840 - 847, to read
19 as follows:

20 **SEC. 102.38. Homeless Shelter.**

21 Homeless Shelter means living and/or sleeping accommodations without any fee to individuals
22 and families who are homeless, as defined in the Federal Homeless Emergency Assistance and Rapid
23 Transition to Housing (HEARTH) Act of 2009 (S.896), as amended from time to time.

1 Homeless Shelters shall comply with the requirements of the Standards of Care for City Shelters
2 contained in Administrative Code, Chapter 20, Article XIII, including the requirement for operational
3 standards in Section 20.404(d).

4 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R,**
5 **NC, MIXED USE, C, AND M DISTRICTS.**

6 * * * *

7 (d) **Amount Required.** Usable open space shall be provided for each building in the
8 amounts specified herein and in Tables 135A and B for the district in which the building is
9 located.

10 In Neighborhood Commercial Districts, the amount of usable open space to be
11 provided shall be the amount required in the nearest Residential District, but the minimum
12 amount of open space required shall be in no case greater than the amount set forth in Table
13 135A for the district in which the building is located. The distance to each Residential District
14 shall be measured from the midpoint of the front lot line or from a point directly across the
15 street there from, whichever requires less open space.

16 (1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5)
17 below, the minimum amount of usable open space to be provided for use by each dwelling
18 unit shall be as specified in the second column of Table 135A if such usable open space is all
19 private. Where common usable open space is used to satisfy all or part of the requirement for
20 a dwelling unit, such common usable open space shall be provided in an amount equal to
21 1.33 square feet for each one square foot of private usable open space specified in the
22 second column of Table 135A. In such cases, the balance of the required usable open space
23 may be provided as private usable open space, with full credit for each square foot of private
24 usable open space so provided.

1 (2) For group housing structures, SRO units, and dwelling units that measure
2 less than 350 square feet plus a bathroom, the minimum amount of usable open space
3 provided for use by each bedroom or SRO unit shall be ~~1/3~~ one-third the amount required for a
4 dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For
5 purposes of these calculations, the number of bedrooms on a lot shall in no case be
6 considered to be less than one bedroom for each two beds. Where the actual number of beds
7 exceeds an average of two beds for each bedroom, each two beds shall be considered
8 equivalent to one bedroom.

9 (3) For dwellings specifically designed for and occupied by senior citizens, as
10 defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open
11 space to be provided for use by each dwelling unit shall be 1/2 one-half the amount required for
12 each dwelling unit as specified in Paragraph (d)(1) above.

13 (4) **DTR Districts.** For all residential uses, 75 square feet of open space is
14 required per dwelling unit. All residential open space must meet the provisions described in
15 this Section unless otherwise established in this subsection or in Section 825 or a Section
16 governing an individual DTR District. Open space requirements may be met with the following
17 types of open space: "private usable open space" as defined in Section 135(a) of this Code,
18 "common usable open space" as defined in Section 135(a) of this Code, and "publicly
19 accessible open space" as defined in subsection (h) below. At least 40 percent of the
20 residential open space is required to be common to all residential units. Common usable open
21 space is not required to be publicly-accessible. Publicly-accessible open space, including off-
22 site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the
23 standards of subsection (h) may be considered as common usable open space. For
24 residential units with direct access from the street, building setback areas that meet the
25

standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

(5) **Eastern Neighborhoods Mixed Use Districts.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B. For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom shall be ~~1/3~~ one-third the amount required for a dwelling unit as specified in Table 135B. Usable open space requirements in these areas may be fulfilled by providing privately-owned public open space as specified in Table 135B.

(6) **Efficiency Dwelling Units With Reduced Square Footage.** Common usable open space shall be the preferred method of meeting the open space requirement for Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code. Private open space shall not be credited toward satisfaction of the open space requirement for such units unless the Zoning Administrator determines that the provision of common open space is infeasible or undesirable, in whole or in part, due to

- (A) site constraints,
- (B) the special needs of anticipated residents, or
- (C) conflicts with other applicable policies and regulations, including but not limited to standards for the treatment of historic properties, the Americans with Disabilities Act, or the Building Code.

(7) **Homeless Shelters.** Homeless Shelters, as defined in Section 102.38 of this Code, are exempt from the open space requirements described in this Section 135.

SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

(b) **Minimum Parking Required.**

**Table 151
OFF-STREET PARKING SPACES REQUIRED**

Use or Activity	Number of Off-Street Parking Spaces Required
* * * *	* * * *
Group housing of any kind	None in districts other than RH-2, except for purposes of determining spaces required by this Code in Section 204.5 one for each three bedrooms or for each six beds, whichever results in the greater requirements, plus one for the manager's dwelling unit if any, with a minimum of two spaces required. In RH-2 Districts, for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.
<i>Homeless Shelters</i>	<i>None required.</i>
* * * *	* * * *

SEC. 155.2. BICYCLE PARKING: APPLICABILITY AND REQUIREMENTS FOR SPECIFIC USES.

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(b) Rules for Calculating Bicycle Parking Requirements.

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**Table 155.2
BICYCLE PARKING SPACES REQUIRED**

	Use	Minimum Number of Class 1 Spaces Required	Minimum Number of Class 2 Spaces Required

* * * *			
.12	Group housing (including SRO units and student housing that are group housing; <u>Homeless Shelters are exempt</u>)	One Class space for every four beds. For buildings containing over 100 beds, 25 Class 1 spaces plus one Class 1 space for every five beds over 100.	Minimum two spaces. Two Class 2 spaces for every 100 beds. Group housing that is also considered Student Housing per Section 102.36 shall provide 50 percent more spaces than would otherwise be required.
* * * *			

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING OR HOMELESS SHELTERS.

Except for single room occupancy units in the South of Market Mixed Use Districts, the density limitations for group housing or Homeless Shelters, as described in Sections 209.2(a), (b), ~~and (c)~~, and (f), 790.88(b) and (c), and 890.88(b) and (c) of this Code, shall be as follows:

(a) For Group Housing, the ~~The~~ maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located, except that in RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, WMUO, RED, RED-MX, SPD, DTR and all NCT districts the density of group housing shall not be limited by lot area, and except that for lots in NC Districts, the group housing density shall not exceed the number of bedrooms permitted in the nearest Residential District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located. For Homeless Shelters, the maximum number of beds on each lot shall be regulated per the requirements of the Standards of Care for City Shelters contained in Administrative Code, Chapter 20, Article XIII, in addition to the applicable requirements of the Building Code and Fire Code.

* * * *

1 **SEC. 209.2. OTHER HOUSING.**

RH-1 (D)	R H -1 (S)	R H -2	R H -3	R M -1	R M -2	R M -3	R M -4	RT O	RT O -M	R C -1	R C -2	R C -3	R C -4
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6
7 **SEC. 209.2. OTHER HOUSING**

8 * * * *

9 *(f) Homeless Shelters mean living and/or*
 10 *sleeping accommodations without any fee*
 11 *to individuals and families who are*
 12 *homeless, as defined in Section 102.38 of*
 13 *this Code.*

			<u>C</u>	<u>C</u>	<u>P</u>									

15 **SEC. 216. OTHER HOUSING.**

C -1	C -2	C-3 O (SD)	C-3 R	C-3 G	C-3 S	C -M	M-1	M-2	PDR-1 -G	PDR-1 -D	PDR-1	PDR-2
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19 **SEC. 216. OTHER HOUSING.**

20 * * * *

21 *(e) Homeless Shelters mean living*
 22 *and/or sleeping accommodations*
 23 *without any fee to individuals and*
 24 *families who are homeless, as defined*

	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>				

1	<u>710.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per §208(a)</i>		
2	****	****	****	****		

**SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
3	****	****	****	****	****
4	<u>711.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per §208(a)</i>	
5	****	****	****	****	

**SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3
ZONING CONTROL TABLE**

*No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
6	****	****	****	****	****
7	<u>712.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per §208(a)</i>	
8	****	****	****	****	

**SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+

1	*****	*****	*****	*****	*****
2	<u>713.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per §208(a)</i>	
3	*****	*****	*****	*****	*****

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
4	*****	*****	*****	*****	*****
5	<u>714.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per §208(a)</i>	
6	*****	*****	*****	*****	*****

**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Castro Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
7	*****	*****	*****	*****	*****
8	<u>715.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>	
9	*****	*****	*****	*****	*****

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Inner Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
10	*****	*****	*****	*****	*****

1	<u>716.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
2	****	****	****	****		

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Outer Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<u>717.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
****	****	****	****		

SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<u>718.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
****	****	****	****		

SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Haight Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+

1	****	****	****	****	****
2	<u>719.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>	
3	****	****	****	****	****

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6 **SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

7 ****

8 No.	Zoning Category	§ References	Hayes-Gough Transit		
			9 Controls by Story		
		§ 790.118	1st	2nd	3rd+
10 ****	****	****	****	****	****
11 <u>720.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
12 ****	****	****	****	****	****

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14 **SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

15 ****

16 No.	Zoning Category	§ References	Upper Market Street		
			17 Controls by Story		
		§ 790.118	1st	2nd	3rd+
18 ****	****	****	****	****	****
19 <u>721.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
20 ****	****	****	****	****	****

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22 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

23 ****

24 No.	Zoning Category	§ References	North Beach		
			25 Controls by Story		

		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>722.92b</u>	<i>Residential Density, Homeless Shelters</i>	§§ 102.38, 207.1, 790.88(c)	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Polk Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>723.92b</u>	<i>Residential Density, Homeless Shelters</i>	§§ 102.38, 207.1, 790.88(c)	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Sacramento		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>724.92b</u>	<i>Residential Density, Homeless Shelters</i>	§§ 102.38, 207.1, 790.88(c)	<i>Density limits per Section 208(a)</i>		
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**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Union Street		
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			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<u>725.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
****	****	****	****		

**SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Valencia Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>726.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	24th Street – Mission Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>727.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	24th Street – Noe Valley		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>728.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	West Portal Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>729.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Inner Sunset		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>730.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
NCT-3 ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>731.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Pacific Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>732.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
*****	*****	*****	*****		

**SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Market Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>733.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
*****	*****	*****	*****		

**SEC. 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>733A.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
*****	*****	*****	*****		

**SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>734.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SoMa Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>735.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mission Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>736.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
*****	*****	*****	*****		

**SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Ocean Avenue Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>737.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
*****	*****	*****	*****		

**SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING
CONTROL TABLE**

No.	Zoning Category	§ References	Glen Park Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>738.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
*****	*****	*****	*****		

**SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Noriega Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<u>739.92b</u>	<u>Residential Density, Homeless Shelters</u>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<u>Density limits per Section 208(a)</u>		
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**SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

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No.	Zoning Category	§ References	Irving Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
<u>740.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
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**SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

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No.	Zoning Category	§ References	Taraval Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
<u>741.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
* * * * *	* * * * *	* * * * *	* * * * *		

**SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

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No.	Zoning Category	§ References	Judah Street <i>Neighborhood Commercial District</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
<u>742.92b</u>	<i>Residential Density, Homeless Shelters</i>	<u>§§ 102.38, 207.1, 790.88(c)</u>	<i>Density limits per Section 208(a)</i>		
* * * * *	* * * * *	* * * * *	* * * * *		

Table SEC. 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Folsom Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
743.92b	<i>Residential Density, Homeless Shelters</i>	§§ 102.38, 207.1, 790.88(c)	<i>Density limits per Section 208(a)</i>		
****	****	****	****		

SEC. 790.88. RESIDENTIAL USE.

A use which provides housing for San Francisco residents, rather than visitors, including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a residential hotel, as defined in Section 790.47 of this Code and in Chapter 41 of the San Francisco Administrative Code.

(a) **Dwelling Unit.** A residential use which consists of a suite of two or more rooms and includes sleeping, bathing, cooking, and eating facilities, but has only one kitchen.

(b) **Group Housing.** A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a rooming house, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

(c) **Homeless Shelters.** A living and/or sleeping accommodations without any fee to individuals and families who are homeless, as defined in the Federal Homeless Emergency Assistance

1 and Rapid Transition to Housing (HEARTH) Act of 2009, as amended from time to time, as defined in
2 and subject to the physical and operation standards in Section 102.38 of this Code.

3 **SEC. 803.5. GOOD NEIGHBOR POLICIES GOVERNING USES IN MIXED USE**
4 **DISTRICTS.**

5 * * * *

6 (c) **Good Neighbor Policies for Programs Serving Indigent Transient and**
7 **Homeless Populations Within the Eastern Neighborhoods Mixed Use Districts and**
8 **South of Market Mixed Use Districts.** Within the Eastern Neighborhoods Mixed Use
9 Districts and South of Market Mixed Use Districts where social services ~~and shelter/housing~~
10 ~~programs serving indigent transient and/or homeless populations~~ are allowed as a Conditional Use
11 pursuant to ~~Sections 813.15 through 843.15 (Group Housing) and~~ Sections 813.21 through 843.21
12 (Social Services), some or all of the following conditions shall, when appropriate for specific
13 cases, be placed upon any applicable City permits for the proposed establishment:

14 (1) Service providers shall maintain sufficient monetary resources to enable
15 them to satisfy the following "good neighbor" conditions and shall demonstrate to the
16 Department prior to approval of the conditional use application that such funds shall be
17 available for use upon first occupancy of the proposed project and shall be available for the
18 life of the project; and

19 (2) Representatives of the Southern, Mission, and Bayview Stations of the San
20 Francisco Police Department shall be apprised of the proposed project in a timely fashion so
21 that the Department may respond to any concerns they may have regarding the proposed
22 project, including the effect the project may have on Department resources; and

23 (3) Service providers shall provide adequate waiting areas within the premises
24 for clients and prospective clients such that sidewalks are not used as queuing or waiting
25 areas; and

1 (4) Service providers shall provide sufficient numbers of male and female
2 toilets/restrooms for clients and prospective clients to have access to use on a 24-hour basis.
3 For group housing and other similar shelter programs, adequate private male and female
4 showers shall be provided along with lockers for clients to temporarily store their belongings;
5 and

6 (5) Service providers shall maintain up-to-date information and referral sheets
7 to give clients and other persons who, for any reason, cannot be served by the establishment;
8 and

9 (6) Service providers shall continuously monitor waiting areas to inform
10 prospective clients whether they can be served within a reasonable time. If they cannot be
11 served by the provider because of time or resource constraints, the monitor shall inform the
12 client of alternative programs and locations where s/he may seek similar services; and

13 (7) Service providers shall maintain the side-walks in the vicinity in a clean and
14 sanitary condition and, when necessary, shall steam clean the sidewalks within the vicinity of
15 the project. Employees or volunteers of the project shall walk a 100-foot radius from the
16 premises each morning or evening and shall pick up and properly dispose of any discarded
17 beverage and/or food containers, clothing, and any other trash which may have been left by
18 clients; and

19 (8) Notices shall be well-lit and prominently displayed at all entrances to and
20 exits from the establishment urging clients leaving the premises and neighborhood to do so in
21 a quiet, peaceful and orderly fashion and to please not loiter or litter; and

22 (9) Service providers shall provide and maintain adequate parking and freight
23 loading facilities for employees, clients and other visitors who drive to the premises; and

24 (10) The establishment shall implement other conditions and/or measures as
25 determined by the Zoning Administrator, in consultation with other City agencies and

1 neighborhood groups, to be necessary to insure that management and/or clients of the
 2 establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the
 3 use.

4 **Table 810**
CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Chinatown Community Business District		
			Controls by Story		
			1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<i>.92b</i>	<i>Residential Density, Homeless Shelters</i>	<i> §§ 102.38, 207.1, 208,890.88(d)</i>	<i>Density limits per §208(a)</i>		
* * * *	* * * *	* * * *	* * * *		

13 **Table 811**
CHINATOWN VISITOR RETAIL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Chinatown Visitor Retail District		
			Controls by Story		
			1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<i>.92b</i>	<i>Residential Density, Homeless Shelters</i>	<i> §§ 102.38, 207.1, 208,890.88(d)</i>	<i>Density limits per §208(a)</i>		
* * * *	* * * *	* * * *	* * * *		

22 **Table 812**
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Chinatown Residential Neighborhood Commercial District
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			Controls by Story		
			1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
<i>.92b</i>	<i>Residential Density, §§ 102.38, Homeless Shelters</i>	<i>§§ 102.38, 207.1, 208, 890.88(d)</i>	<i>Density limits per §208(a)</i>		
*****	*****	*****	*****		

**Table 813
RED – RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential Enclave Controls
*****	*****	*****	*****
813.14	Dwelling Units	§ 102.7	P
813.15	Group Housing	§ 890.88(b)	NP
813.16	SRO Units	§§ 823, 890.88(c)	NP
813.16A	Student Housing	§ 102.36	NP
<i>813.16B</i>	<i>Homeless Shelters</i>	<i>§§ 102.38, 890.88(d)</i>	<i>C</i>
*****	*****	*****	*****

**Table 814
SPD – SOUTH PARK DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	South Park District Controls
*****	*****	*****	*****
814.14	Dwelling Units	§ 102.7	P
814.15	Group Housing	§ 890.88(b)	C
814.16	SRO Units	§ 890.88(c)	P

1	814.16A(a)	Student Housing	§ 102.36	C #
2	<u>814.16B</u>	<u>Homeless Shelters</u>	<u>§§102.38, 890.88(d)</u>	<u>C</u>
3	****	****	****	****

**Table 815
RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
****	****	****	****
815.14	Dwelling Units	§ 102.7	P
815.15	Group Housing	§ 890.88(b)	C
815.16	SRO Units	§ 890.88(c)	P
<u>815.16B</u>	<u>Homeless Shelters</u>	<u>§§102.38, 890.88(d)</u>	<u>C</u>
****	****	****	****

**Table 816
SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Service/Light Industrial/Residential Mixed Used District Controls
****	****	****	****
816.14	Dwelling Units	§ 102.7	P
816.15	Group Housing	§ 890.88(b)	C
816.16	SRO Units	§ 890.88(c)	P
<u>816.16B</u>	<u>Homeless Shelters</u>	<u>§§102.38, 890.88(d)</u>	<u>C</u>
****	****	****	****

Table 827
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT
ZONING CONTROL TABLE

Rincon Hill Downtown Residential Mixed Use District Zoning			
No.	Zoning Category	§ References	Controls
* * * *	* * * *	* * * *	* * * *
.48b	<i>Residential Density, Homeless Shelters</i>	§§ 102.38, 890.88(d)	<i>Density limits per Section 208(a)</i>
* * * *	* * * *	* * * *	* * * *

Table 829
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT
ZONING CONTROL TABLE

South Beach Downtown Residential District Zoning			
No.	Zoning Category	§ References	Controls
* * * *	* * * *	* * * *	* * * *
.48b	<i>Residential Density, Homeless Shelters</i>	§§ 102.38, 890.88(d)	<i>Density limits per Section 208(a)</i>
* * * *	* * * *	* * * *	* * * *

Table 840
MUG – MIXED USE-GENERAL DISTRICT
ZONING CONTROL TABLE

Mixed Use - General District			
No.	Zoning Category	§ References	Controls
* * * *	* * * *	* * * *	* * * *
840.20	Dwelling Units	§ 102.7	P
840.21	Group Housing	§ 890.88(b)	P

1	840.22	SRO Units	§ 890.88(c)	P
2	<u>840.23</u>	<u>Homeless Shelters</u>	<u>§§ 102.38, 890.88(d)</u>	<u>P</u>
3	****	****	****	****

**Table 841
MUR – MIXED USE-RESIDENTIAL DISTRICT
ZONING CONTROL TABLE**

			Mixed Use - Residential District
No.	Zoning Category	§ References	Controls
****	****	****	****
841.20	Dwelling Units	§ 102.7	P
841.21	Group Housing	§ 890.88(b)	P
841.22	SRO Units	§ 890.88(c)	P
<u>841.23</u>	<u>Homeless Shelters</u>	<u>§§ 102.38, 890.88(d)</u>	<u>P</u>
****	****	****	****

**Table 842
MUO – MIXED USE-OFFICE DISTRICT
ZONING CONTROL TABLE**

			Mixed Use - Office District
No.	Zoning Category	§ References	Controls
****	****	****	****
842.20	Dwelling Units	§ 102.7	P
842.21	Group Housing	§ 890.88(b)	P
842.22	SRO Units	§ 890.88(c)	P
<u>842.23</u>	<u>Homeless Shelters</u>	<u>§§ 102.38, 890.88(d)</u>	<u>P</u>
****	****	****	****

Table 843
UMU – URBAN MIXED USE DISTRICT
ZONING CONTROL TABLE

			Mixed Use - Office District
No.	Zoning Category	§ References	Controls
* * * *	* * * *	* * * *	* * * *
843.20	Dwelling Units	§ 102.7	P
843.21	Group Housing	§ 890.88(b)	P
843.22	SRO Units	§ 890.88(c)	NP
<u>843.23</u>	<u>Homeless Shelters</u>	<u>§§102.38, 890.88(d)</u>	<u>P</u>
* * * *	* * * *	* * * *	* * * *

Table 844
WMUG – WSOMA MIXED USE-GENERAL DISTRICT
ZONING CONTROL TABLE

			WSoMa Mixed Use-General District
No.	Zoning Category	§ References	Controls
* * * *	* * * *	* * * *	* * * *
844.20	Dwelling Units	§ 102.7	P
844.21	Group Housing	§ 890.88(b)	P
844.22	SRO Units	§§ 823, 890.88(c)	P with minimum SRO unit size of 275 s.f.
844.23	Student Housing	§ 102.36	#C in newly constructed buildings only. NP otherwise
<u>844.23b</u>	<u>Homeless Shelters</u>	<u>§§ 102.38, 890.88(d)</u>	<u>P</u>
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**Table 845
WMUO – WSOMA MIXED USE-OFFICE DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-Office District Controls
****	****	****	****
845.20	Dwelling Units	§ 102.7	NP
845.21	Group Housing	§ 890.88(b)	NP
845.22	SRO Units	§§ 823, 890.88(c)	NP
845.23	Student Housing	§ 102.36	NP
<u>844.23b</u>	<u>Homeless Shelters</u>	<u>§§ 102.38, 890.88(d)</u>	<u>NP</u>
****	****	****	****

**Table 846
SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SALI District Controls
****	****	****	****
846.20	Dwelling Units	§ 102.7	NP
846.21	Group Housing	§ 890.88(b)	NP
846.22	SRO Units	§§ 823, 890.88(c)	NP
846.23	Student Housing	§ 102.36	NP
<u>844.23b</u>	<u>Homeless Shelters</u>	<u>§§ 102.38, 890.88(d)</u>	<u>NP</u>
****	****	****	****

Table 847
RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT
ZONING CONTROL TABLE

****	****	****	****
847.14	Dwelling Units	§ 102.7	P
847.15	Group Housing	§ 890.88(b)	C
847.16	SRO Units	§§ 823, 890.88(c)	NP
847.16a	Student Housing	§ 102.36	NP
<u>844.23b</u>	<u>Homeless Shelters</u>	<u>§§102.38, 890.88(d)</u>	<u>C</u>
****	****	****	****

SEC. 890.88. RESIDENTIAL USE.

A use which provides housing for San Francisco residents, rather than visitors, including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a residential hotel, as defined in Section 890.47 of this Code and in Chapter 41 of the San Francisco Administrative Code.

(a) **Dwelling Unit.** A residential use which consists of a suite of two or more rooms and includes sleeping, bathing, cooking, and eating facilities, and has only one kitchen.

(b) **Group Housing.** A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a roominghouse, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

1 (c) **Single Room Occupancy (SRO) Unit.** A dwelling unit or group housing room
2 consisting of no more than one occupied room with a maximum gross floor area of 350 square
3 feet and meeting the Housing Code's minimum floor area standards. The unit may have a
4 bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility
5 and bathroom. As a group housing room, it would share a kitchen with one or more other
6 single room occupancy unit/s in the same building and may also share a bathroom. A single
7 room occupancy building (or "SRO" building) is one that contains no residential uses other
8 than SRO units and accessory living space.

9 (d) Homeless Shelter means living and/or sleeping accommodations without any fee to
10 individuals and families who are homeless, as defined in the Federal Homeless Emergency Assistance
11 and Rapid Transition to Housing (HEARTH) Act of 2009 (S. 896), as amended from time to time,
12 subject to the physical and operational standards in Section 102.38 of this Code.

13
14 Section 3. The Administrative Code is hereby amended by revising Section 20.400, to
15 read as follows:

16 **SEC. 20.404. CONTRACT REQUIREMENTS.**

17 * * * *

18 (c) All contracts between the City and shelter operators shall include provisions for
19 operational standards, which include but are not limited to the following:

20 (1) the extent of on-site management of the facility in terms of staff numbers 24 hours a
21 day;

22 (2) a security plan that will be in place during the hours of operation;

23 (3) a sidewalk maintenance plan indicating that the facility staff will maintain the main
24 entrance to the building and all sidewalks abutting the subject property in a clean and sanitary

1 condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance
2 Standards in Section 706 of the Public Works Code;

3 (4) a plan for signage indicating that the facility will display well-lit notices at all
4 entrances to and exits from the establishment urging clients leaving the premises and neighborhood to
5 do so in a quiet, peaceful and orderly fashion and to please not loiter or litter;

6 (e) (d) The Board of Supervisors recognizes that these amendments will have a
7 material effect on the existing shelters whose contracts with the City require the City to pay
8 the shelter operators a certain negotiated amount for services offered at each shelter. The
9 City and the shelter operators contemplated that the shelters would operate at or near
10 capacity through most of the year. This legislation may reduce the number of beds available in
11 some shelters. In addition this legislation will impose obligations on shelter operators that
12 exceed their obligations under their existing agreements with the City and therefore increase
13 their operating costs. City officials and shelter operators based their budgetary assumptions
14 and contracting decisions on factors that existed before this legislation existed. Therefore, the
15 Board of Supervisors authorizes each City department overseeing contracts affected by this
16 legislation to negotiate amendments to existing contracts to reflect these changes so long as
17 current contract amounts are not reduced; and 32. maximize the space for sleeping in the
18 shelter to the fullest extent possible.

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

23
24 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

5

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

8 By: _____
9 JUDITH A. BOYAJIAN
Deputy City Attorney

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