

FILE NO. 081247

ORDINANCE NO. 294-08

1 [Zoning – Conditional use authorization for new development in the Bernal South Slope Area.]

2  
3 **Ordinance amending Planning Code Section 242 to require conditional use**  
4 **authorization for new development in the Bernal South Slope Area, and making**  
5 **findings of consistency with the priority policies of Planning Code Section 101.1 and**  
6 **environmental findings.**

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8 Note: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strikethrough italics Times New Roman*.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San  
14 Francisco hereby finds and declares as follows:

15 (1) The Bernal Hill neighborhoods are characterized by small homes built on small lots  
16 along narrow streets along the hillside over many years. In 1991, the Planning Commission  
17 created the Bernal Heights Special Use District ("BH SUD") which covered much of the  
18 developed portions of the Hill and which imposed additional zoning controls in recognition of  
19 the need to protect and preserve the unique characteristics of Bernal Hill. (The boundaries of  
20 the Bernal Heights Special Use District are shown on Sectional Map Nos. 7SU, 8SU, and  
21 11SU of the Zoning Map, as described in Planning Code Section 242.)

22 (2) At the time the BH SUD was created many of the parcels along the Hill's southern  
23 and eastern slopes were vacant. Although portions of the southern and southeastern slopes  
24 of Bernal Hill (referred to collectively herein as the "Bernal South Slope" and further defined  
25 below) have been subdivided for potential development, they were thought to be

1 undevelopable because of the steep slopes, lack of utilities, an absence of improved  
2 roadways, and the difficulty of providing these services in a cost-effective and safe manner.

3 (3) Since the 1991 establishment of the BH SUD, the demand for housing has  
4 increased such that developers are – for the first time – willing to bear the increased  
5 construction and infrastructure costs of building on the steep grades of the Bernal South  
6 Slope. Increasing development pressure has the potential to cause incremental and  
7 piecemeal development of these hillside properties.

8 (4) On January 27, 2000, the Planning Commission responded to public concerns of  
9 unplanned and haphazard on the Bernal South Slope by passing Resolution Number 14973,  
10 which established a policy of mandatory discretionary review under Planning Code Section  
11 311 for new construction on the 95 vacant parcels that fronted on, or otherwise required  
12 vehicular and/or pedestrian access from, undeveloped streets with in the Bernal South Slope  
13 Study Area (as defined in that resolution).

14 (5) At that time, the Planning Commission resolution recognized that piece-meal  
15 development in the Bernal South Slope Study Area could result in “damage to the hillside and  
16 obviate a coherent, efficient and environmentally-sensitive circulation and open space system”  
17 and that further individual development proposals did not propose to properly extend or  
18 improve the City streets, but rather simply proposed to extend narrow driveways from stubbed  
19 out streets (dead end streets) to their property. (See Planning Commission Resolution No.  
20 14973 at paragraph 3.) The Commission further asserted that these incremental hillside  
21 developments were out of character with the small, intimate characteristics of the Bernal  
22 neighborhood and did not provide necessary pedestrian or vehicular access linking the up-  
23 slope community with the down-slope community. (*Id.*) Lack of vertical access would further  
24 isolate the predominately low-income residents in Alemany Public Housing along Alemany  
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1 Boulevard and Ellsworth Street. (*Id.*) In addition, the Commission noted that proposed  
2 development ignored Bernal Hill's characteristic patterns of open space, both private and  
3 public. (*Id.*)

4 (6) The Planning Commission enacted the Resolution 14973 policy of mandatory  
5 discretionary review as an interim measure for two years to allow the City to complete a study  
6 of the street, utility, and open space improvements that should accompany new development  
7 in the Bernal South Slope. The Bernal South Slope Area Study was supported by the South  
8 Bernal Action Alliance, Bernal Heights Neighborhood Center, the Planning Department, the  
9 Planning Commission and the Mayor's Office. It was anticipated that the study would be  
10 funded as of July 1, 2000 and to be completed in two years.

11 (7) Although some initial scoping work was done by the Department of Public Works  
12 and initial interagency meetings were held with neighbors, the Bernal South Slope Area Study  
13 did not receive full funding and was never completed. The Bernal South Slope mandatory  
14 discretionary review policy expired in 2002.

15 (8) On November 17, 2000 the California Geologic Survey ("CGS") designated the  
16 majority of empty lots in the Bernal South Slope Area as "areas of landslide and liquefaction  
17 potential." (See Planning Department Map of Bernal Heights South Slope from April 17, 2007,  
18 based upon Seismic Hazard Evaluation of the City and County of San Francisco in 2000.)  
19 The CGS map and evaluation report summarize seismic hazard zone findings for potentially  
20 liquefiable soils and areas susceptible to landsliding. The analysis also demonstrates the  
21 locations of steep slopes and cliffs that are most susceptible to landsliding.

22 (9) The Department of Building Inspection ("DBI") considers geological conditions such  
23 as landslide potential as part of their construction permitting process. And while DBI and the  
24 Major Environmental Analysis Section of the Planning Department do site-by-site analysis of  
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1 such risks, the Board of Supervisors believes additional, coordinated review of seismic risks  
2 would further reduce landslide and liquefaction risks in the Bernal South Slope.

3 (10) According to Planning Department maps from 2007, 17 parcels in the Bernal  
4 South Slope are either under construction, currently being reviewed by the Planning  
5 Department or at the schematic stage. But no comprehensive study of development on the  
6 hillside has been performed as of this Ordinance. The original environmental, safety, and  
7 infrastructure concerns identified by the Planning Department in 2000 remain and include: the  
8 potential loss of open space, especially the 20-year-old Children's Community Garden on  
9 Moultrie Street; a large and sudden influx of vehicles resulting in increased risk to pedestrians;  
10 increased congestion on narrow roadways; irregular access schemes that degrade the visual  
11 nature of the neighborhood and can reduce emergency response times; decreases in water  
12 pressure; and further isolation of residents at Alemany Public Housing from the rest of the  
13 neighborhood. The Commission hoped to address these issues in 2000 through the Bernal  
14 South Slope Area Study and development of an infrastructure plan, which would have  
15 evaluated the development of the entire hillside as one project and one community, but the  
16 study was never funded.

17 (11) It is necessary to consider the development of Bernal South Slope in an  
18 integrated manner addressing community needs such as street improvements, public parks,  
19 recreation facilities and community facilities generally. A coordinated approach to new  
20 development would enable the City and developers to plan for necessary public services for  
21 new and existing residents. It would also address open space requirements that are essential  
22 elements of urban infrastructure, especially in low and mixed-income communities.  
23 Therefore, the Board encourages the Planning Department to develop a neighborhood area  
24 plan for the Bernal South Slope.

1           (12) In response to a written request from Supervisor Ammiano on July 18, 2008, the  
2 Director of the Planning Department decided on August 1, 2008, to reinstitute a policy of  
3 initiating discretionary review for new construction within the Bernal South Slope on blocks  
4 5810, 5811, 5825, 5826, 5827, and 5828. Issues to be considered during discretionary review  
5 hearings before the Planning Commission include: (1) street-orientation and alignment  
6 consistent with the City's established pattern; (2) connections with the Alemany Public  
7 Housing at the hill base; (3) changes to the de facto open space at Moultrie Street right-of-  
8 way; (4) transportation support for new housing; and (5) possible coordination of development  
9 of the South Slope with the redesign of the Alemany Public Housing development. The  
10 Planning Department initiated this discretionary review policy to "ensure that the larger policy  
11 issues [in Bernal South Slope] are thoroughly vetted until the Board considers potential  
12 permanent controls." (Letter from John Rahaim, Planning Director, to Supervisor Ammiano,  
13 August 1, 2008.)

14           (13) In the absence of a comprehensive plan for the South Slope, establishing  
15 permanent zoning controls will ensure that development in the Bernal South Slope continues  
16 consistently with General Plan policies and with community input. Absent such controls or a  
17 comprehensive plan, there is a risk that piecemeal development will degrade the safety,  
18 character, and livability Bernal South Slope neighborhood. Pre-construction investigation of  
19 neighborhood-specific issues will provide the basis for safe and well-planned development  
20 consistent with the character of the South Bernal Neighborhood.

21           (14) Pursuant to this Ordinance, Planning Commission approval of conditional use  
22 application will require applicants to provide the Planning Department with information  
23 pertaining to project impacts on the environmental, health, safety, and general welfare of  
24 residents of the Bernal South Slope Neighborhood to ensure that the area will be developed  
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1 without exacerbating existing neighborhood problems. Applicants bear the burden of  
2 demonstrating that their new construction will not individually or cumulatively have significant  
3 and adverse impacts on the Bernal South Slope.

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5 Section 2. Environmental Findings, General Plan Findings, and Other Required Findings.

6 (a) The Planning Department has determined that the actions contemplated in this  
7 Ordinance are in compliance with the California Environmental Quality Act (California Public  
8 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the  
9 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
10 reference.

11 (b) On \_\_\_\_\_, 2008, the Planning Commission, in Resolution No.  
12 \_\_\_\_\_ approved and recommended for adoption by the Board this legislation and  
13 adopted findings that it is consistent, on balance, with the City's General Plan and eight  
14 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.  
15 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.  
16 \_\_\_\_\_, and is incorporated by reference herein.

17 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
18 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in  
19 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by  
20 reference herein.

21 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
22 242 to read as follows:

23 SEC. 242. BERNAL HEIGHTS SPECIAL USE DISTRICT.  
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1 (a) General. A Special Use District entitled the Bernal Heights Special Use District,  
2 the boundaries of which are shown on Sectional Map. Nos. 7SU, 8SU, and 11SU of the  
3 Zoning Map, is hereby established for the purposes set forth below.

4 (b) Purposes. In order to reflect the special characteristics and hillside topography of  
5 an area of the City that has a collection of older buildings situated on lots generally smaller  
6 than the lot patterns in other low-density areas of the City, and to encourage development in  
7 context and scale with the established character, there shall be a Bernal Heights Special Use  
8 District.

9 (c) The provisions of this Section 242 shall not apply to building permit applications or  
10 amendments thereto, or to conditional use, variance or environmental evaluation applications  
11 filed on or before January 7, 1991. Such applications shall be governed by the ordinances in  
12 effect on January 7, 1991, unless the applicant requests in writing that an application be  
13 governed by the provisions of this Section 242.

14 (d) Definitions. For purposes of this Section 242, the following definitions apply:

15 (1) "Adjacent building" shall mean a building on a lot adjoining the subject lot along  
16 a side lot line. Where the lot constituting the subject property is separated from the lot  
17 containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less  
18 parallel to the street or alley, such nearest building shall be deemed to be an "adjacent  
19 building," but a building on a lot so separated for a greater distance shall not be deemed to be  
20 an "adjacent building." A corner lot shall have only one adjacent building located along its side  
21 lot line.

22 (2) "Usable floor area" is the sum of the gross areas of the several floors of a  
23 building, measured from the exterior walls or from the center lines of common walls  
24 separating two buildings. "Usable floor area" shall not include that floor area devoted to off-  
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1 street parking or any space or area which is not readily accessible and which has not more  
2 than five feet vertical clearance at any point.

3 (e) Controls. All provisions of the Planning Code applicable to an RH-1, RH-1(S), RH-  
4 2, and RH-3 District shall apply to applicable portions of the Special Use District except as  
5 otherwise provided in this Section.

6 (1) Height Limits. No portion of a dwelling in any portion of this district shall exceed  
7 a height of 30 feet except as provided below.

8 (A) The height of a dwelling on a downslope lot shall not exceed 30 feet above  
9 grade, subject to averaging or offset by an equal height reduction. Any portion of a dwelling  
10 exceeding a height of 30 feet must be offset by at least an equal amount of dwelling having a  
11 height of less than 30 feet, provided that the maximum height above grade at any point cannot  
12 exceed 40 feet, and the rearmost eight feet of length cannot exceed 32 feet above grade.

13 (B) The height of a dwelling on an upslope lot shall not exceed 30 feet above grade,  
14 with no averaging or stepping over the 30 feet limit, and no part of the dwelling, unless  
15 otherwise permitted by this Section, may be higher than 38 feet above curb level, except if the  
16 rear of the lot is 30 feet or more higher than the front grade, the rear half of the dwelling may  
17 go up to 43 feet above curb level.

18 (C) The height of a dwelling in an RH-2 or RH-3 lot may exceed the limits described  
19 above based upon the average height of the adjacent buildings.

20 (D) Except for vertical-axis wind-powered electrical generators with a horizontal  
21 diameter not exceeding three feet, chimneys, and nonparabolic radio and television antennas,  
22 nothing otherwise permitted by Section 260(b) of this Code may extend above the additional  
23 height limit established in this Code section by more than 42 inches. Furthermore, all such  
24 wind-powered electrical generators must avoid significant impacts to wildlife.  
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1 (2) Rear Yards. The requirements applicable to rear yards are as follows:

2 (A) RH-1 and RH-1(S). For lots which have a depth of 70 feet or less, the minimum  
3 rear yard depth shall be equal to 35 percent of the total depth of the lot on which the building  
4 is located. Buildings on lots which have a depth greater than 70 feet may not be deeper than  
5 45.5 feet measured from the front property line; the remainder of the lot shall be used for rear  
6 yard.

7 (B) RH-2 and RH-3. The minimum rear yard depth shall be equal to 45 percent of  
8 the total depth of the lot in which the building is located.

9 (C) All Lots. The following provisions relating to rear yards shall apply to all lots in  
10 the Special Use District:

11 (i) A building may intrude into the required rear yard up to the extent that an  
12 adjacent building intrudes, provided the intrusion is no wider than half of the width of the lot,  
13 and 25 percent of the total lot depth is provided as rear yard open space. The intrusion must  
14 be placed in a manner that the Zoning Administrator finds will provide optimal light and air to  
15 the subject and adjacent properties. The coverage resulting from the intrusion must be offset  
16 by otherwise permitted coverage in the rear of the subject property.

17 (ii) Any part of a front setback exceeding five feet may be applied to the  
18 amount required for satisfying the rear yard requirements.

19 (iii) No part of any building may be within 25 percent or 15 feet, whichever is  
20 greater, of the rear property line.

21 (iv) Those obstructions into rear yards otherwise permitted by Section  
22 136(c)(2), (3), and (25) of this Code shall not be permitted. In addition to the obstructions  
23 permitted in Section 136(c), improvements may be constructed underneath a room or deck  
24 located in the rear yard area if said room or deck is otherwise permitted pursuant to Section  
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1 136(c) and was constructed pursuant to a building permit issued prior to December 11, 1987.  
2 In those instances, the Zoning Administrator may place appropriate conditions on the approval  
3 of the building permit to protect the light, air and view of the adjacent properties.

4 (3) Mass Reduction Requirement for RH-1 and RH-1(S) Buildings. After calculation  
5 of the maximum permissible height and lot coverage in an RH-1 or RH-1(S) District, a total of  
6 650 square feet of usable floor area must be deleted from the exterior of the building, causing  
7 a reduction in square footage as well as building volume. On lots that exceed 100 feet in  
8 depth, the mass reduction shall be a minimum of 400 square feet of usable floor area. Any  
9 area to be deleted must have a minimum clearance of three feet from the side property line.  
10 The reduction must be taken from the front, the rear, or the top of the building above grade;  
11 however, such reduction along the side of the property line will be allowed under this section  
12 so that adjacent properties will benefit from the provision of greater light and air or the  
13 reduction of shadows. Where an area to be deleted is along the side property line and is in the  
14 form of an inner court, the inner court shall have a minimum area of 90 square feet.

15 (4) Parking. The number of off-street parking spaces required for new construction  
16 shall be as follows:

17 TABLE INSET:

Usable Floor Area	Parking Spaces
0 to 1300	1
1301 to 2250	2
2251 to 2850	3
2851 to 3850	4

23 One additional parking space is required for each additional 1,000 square feet.  
24  
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1 If more than one parking space is required, the first off-street parking space must have a  
2 minimum area of 160 square feet; second and subsequent spaces may be a compact car  
3 space and have a minimum area of 127.5 square feet. In the RH-2 and RH-3 District, the  
4 parking requirement is the greater of the number of spaces required by the above table, or  
5 one parking space per dwelling unit.

6 All alterations resulting in an increase in usable floor area shall be considered cumulatively  
7 from the effective date of this ordinance.

8 No tandem parking spaces are permitted for the first two required parking spaces for new  
9 construction. All other required parking spaces for new construction may be tandem parking  
10 spaces.

11 Tandem parking spaces are permitted for alterations in the RH-1 and RH-1(S) Districts,  
12 and are not permitted for alterations in the RH-2 and RH-3 Districts.

13 (A) RH-1 or RH-1(S) District Building Alterations. The following parking  
14 requirements shall apply to alterations of existing structures in an RH-1 or RH-1(S) District:

15 (i) If one or more alterations add 400 square feet or less of usable floor area to  
16 an existing building, no additional parking space is required to be added to the existing  
17 spaces.

18 (ii) If one or more alterations add over 400 square feet of usable floor area but  
19 do not cause the total usable floor area of the building to exceed 1,650 square feet, no  
20 additional parking space is required to be added to the existing spaces.

21 (iii) If one or more alterations add over 400 square feet of usable floor area and  
22 the total usable floor area of the building is between 1,651 and 2,250 square feet, a total of  
23 two parking spaces is required. One or both of these required spaces may be waived by the  
24 Zoning Administrator if the Zoning Administrator finds that (1) the off-street parking space(s)  
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1 would result in a new curb cut, or the proposed driveway would result in the loss of one  
2 parking space while adding one private space; or (2) the structure has an unaltered historic  
3 facade as determined by the Department of Planning and the owner has conveyed a facade  
4 easement to the San Francisco Architectural Heritage foundation.

5 (iv) If one or more alterations add over 400 square feet of usable floor area and  
6 the total usable floor area is over 2,250 square feet, a total of three parking spaces or more is  
7 required, as provided by the above table. One additional parking space is required for each  
8 additional 1,000 square feet.

9 (B) RH-2 and RH-3 Building Alterations. The following parking requirements shall  
10 apply to alterations of existing structures in an RH-2 or RH-3 District:

11 (i) If one or more alterations add 200 square feet or less of usable floor area,  
12 no additional parking space is required.

13 (ii) If one or more alterations add over 200 square feet of usable floor area, the  
14 parking standards for new construction set forth above shall apply to the entire building.

15 (5) Curb Cuts and Garage Door Width. The maximum width of curb cuts allowed for  
16 new construction shall be 10 feet; the maximum width of a garage door opening shall be 12  
17 feet.

18 (6) Design. In addition to meeting applicable standards provided in this Section and  
19 elsewhere in this Code, residential development subject to this Section shall be subject to the  
20 review and notification procedures provided by Subsection 311(c) of this Code. Requests for  
21 Planning Commission review shall be governed by Subsection 311(d) of this Code. In addition  
22 to applicable guidelines cited by Section 311, the Elsie Street Plan and the East Slope  
23 Building Guidelines shall be used as guidelines to determine neighborhood compatibility of  
24 new construction and alterations in the respective areas covered by those guidelines.  
25

1 (7) Demolition.

2 (A) Demolition Generally Prohibited. Other than as specified in this subsection, no  
3 demolition permit for structures containing one or more residential units may be approved  
4 unless:

5 (i) The Superintendent of the Bureau of Building Inspection or the Chief of the  
6 Bureau of Fire Prevention and Public Safety determines, after consultation to the extent  
7 feasible with the Department of Planning, that an imminent safety hazard exists and the  
8 Superintendent determines that demolition of the structure is the only feasible means to  
9 secure the public safety; or

10 (ii) The structure is under an abatement order and the Superintendent of the  
11 Bureau of Building Inspection determines, after consultation with the Department of Planning  
12 and the San Francisco Fire Department, that repairs rendering the structure safe and  
13 habitable as defined in the San Francisco Housing Code would cost 50 percent or more of the  
14 cost to replace the structure pursuant to the standards published periodically by the  
15 Superintendent. An owner's deliberate damage, in the opinion of the Superintendent of the  
16 Bureau of Building Inspection, to the property or failure to maintain it shall not be included in  
17 the calculation of replacement costs; or

18 (iii) The Department determines, based on facts presented, that the structure  
19 proposed to be demolished retains no substantial remaining value or reasonable use.

20 (B) Demolition of Historic or Architecturally Significant Residential Buildings. Unless  
21 demolition is approved pursuant to Subsections (A)(i) or (A)(iii) above, no demolition permit  
22 may be approved for a residential building (1) which is a designated landmark or contributing  
23 building in an historic district; or (2) which the Landmarks Preservation Advisory Board  
24 determines is qualified to be designated as a landmark or contributing building in an historic  
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1 district under the standards of Article 10 of this Code; or (3) is recommended by the  
2 Department of Planning for historic designation under Article 10 of this Code.

3 (C) Replacement Structure Required. Unless demolition is approved pursuant to  
4 Subsection (A)(i) or (A)(iii) above, no application authorizing the demolition of a residential  
5 building within the scope of this Section shall be approved until the City has finally approved a  
6 building permit for construction of the replacement building which meets the requirements of  
7 this ordinance. A building permit is finally approved if the Board of Permit Appeals has taken  
8 final action on an appeal of the issuance or denial of the permit or if the permit has been  
9 issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

10 (i) This Section shall not apply to the demolition of a second structure on  
11 a single lot that (1) does not exceed 500 square feet, (2) meets the requirements of  
12 Subsection (A)(ii) above, and (3) is not a historic residential building under Subsection (B)  
13 above.

14 (f) Additional Controls Applicable to Bernal South Slope.

15 (1) The "Bernal South Slope" shall mean the undeveloped lots within the south slope area of  
16 the Bernal Heights Special Use District consisting of: Block 5810, lots 016, 017, and 020 to 023; Block  
17 5811, lots 023 to 028; Block 5825, lots 007 to 015; Block 5826, lots 002, 003, 005 to 011, and 013 to  
18 016; Block 5827, lots 007 to 011 and 016 to 022; and Block 5828, lots 004 to 010.

19 (2) The controls set forth in this subsection (f) shall be in addition to the general  
20 requirements of Section 242.

21 (3) All new development in the Bernal South Slope shall require a conditional use  
22 authorization pursuant to this subsection and the requirements set forth in Article 3 of the Planning  
23 Code. The Planning Commission shall only approve an application for a conditional use authorization  
24 if facts are presented to establish that the proposed development would not ~~harm the~~ have a  
25

1 significant adverse effect on public health, safety, or welfare design and planning consistency of  
2 the Bernal South Slope and surrounding areas, considering the following criteria:

3 (A) The applicant has designed the development worked with DBI to design the  
4 project in accordance with best practices for construction and development on steep slopes, as  
5 applicable, including measures to address liquefaction and slope stability issues presented by the steep  
6 grades in Bernal South Slope, as applicable and as documented in writing by the Department of  
7 Building Inspection:

8 (B) The development will ~~would not~~ adversely impact ~~undermine~~ the visual integrity  
9 of the Bernal South Slope by, for example, ~~by significantly deviating in a substantial manner from~~  
10 the City's established pattern of street-orientation and alignment. Bernal's neighborhood streets  
11 typically are not contoured, with streets running parallel to the hillside, but instead are grid-  
12 based. Where reasonably possible, new buildings should be accessed from public streets  
13 rather than extended private drives":

14 (C) The design of the development would not interfere with the proposed integration of  
15 Aleman Public Housing with the South Bernal neighborhood (e.g., through construction of large  
16 retaining walls) and, to the extent feasible, promotes connections at the hill base that are consistent  
17 with the proposed redesign of Aleman Public Housing:

18 (D) The development and construction-related activities in the Bernal South Slope will  
19 not significantly ~~meaningfully hinder~~ impact emergency vehicle access and emergency response times  
20 or ~~impact-weaken~~ fire protection capabilities in the area (e. g., fire hydrant access or water pressure),  
21 as determined through applicant consultation with the San Francisco Fire Department, and as  
22 documented in writing by the San Francisco Fire Department:

23 (E) The development will not degrade the health and cleanliness of the neighborhood by,  
24 for example, ~~adversely affecting the City's~~ providing inadequate access for City ability to  
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1 provide sanitation services such as garbage collection and street sweeping, as determined through  
2 applicant consultation with the Department of Public Works, and as documented in writing by  
3 by the Department of Public Works;

4 (F) The development promotes the City's open space policies, and incorporates  
5 community input regarding public use of unimproved rights-of-way (e.g., by avoiding or offsetting  
6 potential impacts to existing open space such as the Moultrie Street Children's Community Garden);

7 (G) The development will not significantly substantially impact neighborhood parking  
8 availability;

9 (H) The development will not significantly substantially contribute to an increase in  
10 traffic congestion in Bernal South Slope, including at known bottleneck areas along Crescent Street  
11 and the intersection of St. Mary's and Mission Street; and

12 (I) The development will not adversely impact undermine pedestrian safety or result  
13 in dangerous traffic conditions (e. g., increasing double parking and reducing turn around zones) that  
14 place residents and pedestrians at risk.

15 (J) The Planning Commission shall evaluate the foregoing criteria with regard to  
16 shall apply both to a project's development's individual impacts and the development's impacts in  
17 combination with the current and proposed development of the Bernal South Slope, its  
18 cumulatively considerable impacts. For purposes of this section, the Planning Department  
19 shall evaluate a project's contribution to cumulative impacts by considering the project's  
20 incremental contribution to potentially significant impacts caused by the current and proposed  
21 development of the Bernal South Slope.

22 APPROVED AS TO FORM:  
23 DENNIS J. HERRERA, City Attorney

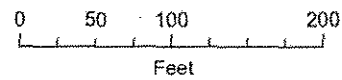
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









Andrew W. Garth  
Deputy City Attorney






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# Bernal Heights South Slope



Source: Property Owner information and project status extracted from San Francisco Planning Department Parcel Information Database, March 2007; Seismic Hazard Zones available from California Division of Mines and Geology, Open-file Report 2000-009, Seismic Hazard Evaluation of the City and County of San Francisco, 2000; Streets and orthophoto available from San Francisco Department of Telecommunications and Information Services. Map date: April 17, 2007.

Owners	
	William Bickel
	Richard Bruce
	John Coleman
	Wei Ming Feng
	Ruby Frost
	Anna Yan Yu and Tao Feng
	Edzel & Merrie Musni
	Prosto Investment
	Ronald Schlesinger
	Skyline Investments
	Tennco Enterprises
	other owner, single lot

Status	
	construction
	review DBI
	review DCP
Seismic Hazard Zones	
	liquefaction potential
	landslide potential
Bernal Heights Streets not yet developed	



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 081247

**Date Passed:**

Ordinance amending Planning Code Section 242 to require conditional use authorization for new development in the Bernal South Slope Area, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

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November 18, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 25, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081247

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 25, 2008 by the Board of Supervisors of the City and County of San Francisco.



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Angela Calvillo  
Clerk of the Board

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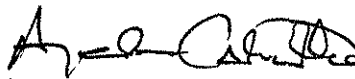
Date Approved

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Mayor Gavin Newsom

Date: December 8, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



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Angela Calvillo  
Clerk of the Board

File No.  
081247

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