



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Amendment Summary: Conditional Use Authorization for New Development in Bernal South Slope

Code Change: Requiring Conditional Use Authorization for New Development
In Bernal South Slope Area (see attached map)

Case Number: Board File No. 08-1247 (0294-08 adopted Ordinance)

Initiated By: Supervisor Ammiano, September 23, 2008

Effective Date: January 5, 2009

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The Way It Was:

According to Planning Code Section 242(b) the purpose of the BH-SUD is to reflect the special characteristics and hillside topography of the area which has generally older buildings on lots smaller than other low-density neighborhoods in the City and to encourage development in the context and scale of this existing character. Previously, the Planning Code requirements would treat new development in the Bernal Heights South Slope no differently than the rest of the BH-SUD or new development in the City in general. Neighborhood notice per Section 311 is required but new construction that is code complaint may not require a hearing before the Planning Commission (Commission). In response to a request from Supervisor Ammiano, on August 1, 2008 the Department began a staff policy of initiating mandatory Discretionary Review (DR) for new construction within the Bernal South Slope Area for blocks 5825, 5826, 5827, 5828, 5810 and 5811. This policy of DR was intended to be a temporary control while the Supervisor considered the permanent legislation that is now before the Commission.

The Way It Is Now:

The new Ordinance requires a Conditional Use authorization for new construction in the Bernal South Slope Area.

The legislation adds nine specific criteria that the Commission must use when evaluating a conditional use authorization application. Nine new criteria will be used to determine that the project does not harm the public health, safety or welfare as follows:

- 1) The applicant has designed the development in accordance with best practices for construction and development on steep slopes including measures to address liquefaction and slope stability issues presented by the steep grades in Bernal South Slope and as documented in writing by DBI;
- 2) The development would not adversely undermine the visual integrity by deviating in a substantial manner from the City's established pattern of street-

orientation and alignment (recognizing the existing grid-based orientation vs. an orientation that is contoured & parallel to the hill);

- 3) The design of the development would not interfere with the proposed integration of Alemany Public Housing with the South Bernal neighborhood (e.g. through construction of large retaining walls) and promotes connections at the hill base that are consistent with the redesign of Alemany Public Housing;
- 4) The development and construction-related activities in the Bernal South Slope will not hinder emergency vehicle access and emergency response times or weaken fire protection capabilities in the area as documented in writing by the San Francisco Fire Department;
- 5) The development will not degrade the health and cleanliness of the neighborhood by for example providing inadequate access for City's sanitation services such as garbage collection and street sweeping;
- 6) The development promotes the City's open space policies and incorporates community input regarding public use of unimproved rights-of-way (e.g. by avoiding or offsetting potential impacts to existing open space such as the Moultrie Street Children's Community Garden);
- 7) The development will not substantially impact neighborhood parking availability;
- 8) The development will not substantially contribute to an increase in traffic congestion in Bernal South Slope; and
- 9) The development will not undermine pedestrian safety or result in dangerous traffic conditions.

The foregoing criteria apply both to a project's individual impacts and its collective impacts of both current and proposed development. The legislation requires that the Planning Department evaluate a project's contribution to collective impacts by considering the project's individual contribution to potentially greater impacts caused by the current and proposed development of the Bernal South Slope.

Board File No. 081247	Ord. No. 0294-08	Zoning - Conditional use authorization for new development in the Bernal South Slope Area Full text available at: http://www.sfgov.org/site/uploadedfiles/bdsupvrs/ordinances08/o0294-08.pdf
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