

TO: City Commission  
FROM: Bill Mitchell, 1201 Emery Road  
SUBJ: Amend new zoning code Article 17; also consider Owner-occupied  
Overlay  
DATE: 6 June 2005

As I gave a little more thought to my objection to the anemic definition of "owner" in the new zoning code and your kind deferral of the text amendment to 5-534(1)(i), I realized that, since the offending definition is in Article 17 (already law) and not 5-534, I could be thrown out of court on a technicality. To avoid that I ask that you undertake to amend - independent of 5-534 - the definition of "owner" in Article 17 (Terminology) and, further, that you add a definition in that Article for "occupant" (since the Code uses the term "owner-occupied"). I suggest these definitions which were produced for the West Hills covenants by Jerry Cooley:

Owner: the record owner(s) of the property in question, and the following: 1) The spouse or domestic partner of the record owner. 2) The person(s) who is the real person(s) behind any form of ownership other than ownership by an individual(s) including but not limited to a corporation, a partnership, a limited liability corporation or a trust, and the spouse or domestic partner of such a person(s).

Occupant: a real person living in the building on a full time basis.

While I have your ear, I will reiterate my plea for creating an Owner-occupied Overlay District. I plead the case before the Planning Commission (and by letter in July 2003 to the City Commission because I felt I was not being heard by the PC) but while many overlay districts were incorporated in the new code, that one was not, nor did I ever hear why it was excluded. There is abundant evidence that SF zoned neighborhoods in the City's core are suffering from rental-rot and such an overlay district would be a useful tool to restore such neighborhoods to true single-family uses, which would, among other things, reduce the impetus to close established neighborhood schools, reduce the need to bus students, reduce the pressure to build new schools, and would restore many of the now-rental houses in the inner city to their previous state of "affordable housing" for real persons instead of limited liability landlords. Here follows the paragraph regarding an Owner-occupied Overlay from my 17 July 03 letter to you (City Commission):

I've asked City staff repeatedly why we could not have a "single-family" residential zoning category for owner-occupied houses; generally, they've smiled tolerantly and (figuratively) patted me on the head. Having seen the many new "overlay districts" in the new plan, I ask again, why not provide an "OO" overlay for districts which do not wish to be converted, willy nilly, to single "family" (with the City's curious definition of family) rental districts. Among the serious threats to the stability of neighborhoods (together with through-traffic, lack of neighborhood schools, etc.), perhaps the most serious is their conversion from stable, family (in a more traditional sense than 3 or 4 unrelated people) neighborhoods to ever-changing, ever-declining, commercial (for that's what it is—it's the landlord's livelihood) ghettos. Please give those of us who would live among families, with kids and dogs and block picnics and parades - the kind of "village," it is said, that it "takes" - give us the opportunity to retain and in some cases recapture our neighborhoods. "Overlay districts are tools for dealing with special situations or accomplishing special zoning goals" are your words; please put them to work for us. [And please give some thought to making a realistic definition of "family;" 3 unrelated tenants do not constitute a "family," nor do 6 blood-related teenagers whose parents can afford to buy a house somewhere else to get them out of theirs or who hope to get free housing for their kids while they go to college.]

Thank you for your careful consideration and - hope springs - action.

cc: Planning Commission; Sheila Stogsdill; West Hills Homes Association;  
League of Women Voters; David Corliss