

1 [Planning Code, Zoning Map - Central Neighborhoods Large Residence Special Use District]

2

3 **Ordinance amending the Planning Code and Zoning Map to create the Central**

4 **Neighborhoods Large Residence Special Use District (the area within a perimeter**

5 **established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th**

6 **Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San**

7 **Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard,**

8 **Joost Avenue, Congo Street, Bosworth Street, O’Shaughnessy Boulevard, Portola**

9 **Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena**

10 **Vista Avenue West, Haight Street, and Buena Vista Avenue East), to preserve and**

11 **enhance neighborhood context and affordability by, among other things, requiring**

12 **Conditional Use authorization for large residential developments in the district and**

13 **prohibiting new residential development or expansion of an existing Residential**

14 **Building that would result in any Dwelling Unit exceeding 4,000 square feet of Gross**

15 **Floor Area in most circumstances; making a determination of compliance with**

16 **~~affirming the Planning Department’s determination under the California Environmental~~**

17 **Quality Act; and making findings of consistency with the General Plan, and the eight**

18 **priority policies of Planning Code, Section 101.1 and findings of public convenience,**

19 **necessity, and welfare under Planning Code, Section 302.**

20 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

21 **Additions to Codes** are in *single-underline italics Times New Roman font.*

22 **Deletions to Codes** are in *~~strikethrough italics Times New Roman font.~~*

23 **Board amendment additions** are in double-underlined Arial font.

24 **Board amendment deletions** are in ~~strikethrough Arial font.~~

25 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

1 Section 1. Environmental and Land Use Findings.

2 (a) ~~The Planning Department has determined~~ Board of Supervisors finds that the
3 actions contemplated in this ordinance ~~comply with the California Environmental Quality Act~~
4 ~~(California Public Resources Code Sections 21000 et seq.)~~ are not a project under Sections
5 15060(c) and 15378 of the CEQA Guidelines (implementing the California Environmental
6 Quality Act, California Public Resources Code Sections 21000 et seq.), because they do not
7 result in a physical change in the environment. Said determination is on file with the Clerk of
8 the Board of Supervisors in File No. _____ and is incorporated herein by reference.
9 ~~The Board affirms this determination.~~

10 (b) On _____, the Planning Commission, in Resolution No. _____,
11 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
12 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
13 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
14 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

15 The Board of Supervisors finds that the actions contemplated in this ordinance are
16 consistent, on balance, with the City's General Plan, as follows:

17 (1) Urban Design Element Objective 1: Emphasis of the characteristic pattern
18 which gives to the City and its neighborhoods an image, a sense of purpose, and a means of
19 orientation.

20 Policy 1.3: Recognize that buildings, when seen together, produce a total effect
21 that characterizes the city and its districts.

22 This ordinance serves to preserve a neighborhood's identifying physical identity
23 by encouraging more modest increases and expansions of existing homes and directing the
24 Planning Commission to consider the impact of proposed projects on the existing
25 neighborhood context and potential impacts on historic resources.

1 (2) Housing Element Objective 2: Retain existing housing units, and promote
2 safety and maintenance standards, without jeopardizing affordability.

3 Policy 2.1: Discourage the demolition of sound existing housing, unless the
4 demolition results in a net increase in affordable housing.

5 This ordinance ensures that large single-family home construction or expansions
6 that convert existing affordable housing into extremely large and expensive units are not
7 approved without careful consideration, and will additionally promote more modest increases
8 in the size and cost of existing units as well as the creation of new modestly sized and more
9 affordable units in neighborhood RH districts.

10 (c) The Board finds that the actions contemplated in this ordinance are consistent,
11 on balance, with the eight priority policies of Planning Code Section 101.1, as follows:

12 (1) Priority Policy 1: That existing neighborhood-serving retail uses be
13 preserved and enhanced and future opportunities for resident employment in and ownership
14 of such businesses enhanced.

15 The ordinance would not have a negative effect on neighborhood serving retail
16 uses or a negative effect on opportunities for resident employment in and ownership of
17 neighborhood-serving retail.

18 (2) Priority Policy 2: That existing housing and neighborhood character be
19 conserved and protected in order to preserve the cultural and economic diversity of our
20 neighborhoods.

21 The ordinance would not have a negative effect on housing or neighborhood
22 character.

23 (3) Priority Policy 3: That the City's supply of affordable housing be
24 preserved and enhanced.

25 The ordinance would not have an adverse effect on the City's supply of

1 affordable housing.

2 (4) Priority Policy 4: That commuter traffic not impede MUNI transit service
3 or overburden our streets or neighborhood parking.

4 The ordinance would not result in commuter traffic impeding MUNI transit
5 service or overburdening the streets or neighborhood parking.

6 (5) Priority Policy 5: That a diverse economic base be maintained by
7 protecting our industrial and service sectors from displacement due to commercial office
8 development, and that future opportunities for resident employment and ownership in these
9 sectors be enhanced.

10 The ordinance would not cause displacement of the industrial or service sectors
11 due to office development, and future opportunities for resident employment or ownership in
12 these sectors would not be impaired.

13 (6) Priority Policy 6: That the City achieve the greatest possible
14 preparedness to protect against injury and loss of life in an earthquake.

15 The ordinance would not have an adverse effect on City's preparedness against
16 injury and loss of life in an earthquake.

17 (7) Priority Policy 7: That the landmarks and historic buildings be preserved.
18 The ordinance would not have an adverse effect on the City's Landmarks and
19 historic buildings.

20 (8) Priority Policy 8: That our parks and open space and their access to
21 sunlight and vistas be protected from development;

22 The ordinance would not have an adverse effect on the City's parks and open
23 space and their access to sunlight and vistas.

24 (de) Pursuant to Planning Code Section 302, the Board of Supervisors finds, for the
25 reasons set forth in subsection (c) above, that the amendments to the Planning Code set forth

1 in this ordinance serve the public necessity, convenience, and welfare. Pursuant to Planning
2 Code Section 302, this Board of Supervisors finds that this Planning Code amendment will
3 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
4 Commission Resolution No. _____, and the Board adopts such reasons as its own.
5 A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No.
6 _____ and is incorporated herein by reference.

7
8 Section 2. The Planning Code is hereby amended by adding Section 249.92 to read as
9 follows:

10
11 **SEC. 249.92. CENTRAL NEIGHBORHOODS LARGE RESIDENCE SPECIAL USE**

12 **DISTRICT.**

13 (a) **General.** *A special use district entitled the “Central Neighborhoods Large Residence*
14 *Special Use District,” consisting of the area within a perimeter established by Waller Street, Steiner*
15 *Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany*
16 *Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey*
17 *Boulevard, Joost Avenue, Congo Street, Bosworth Street, O’Shaughnessy Boulevard, Portola Drive,*
18 *Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West,*
19 *Haight Street, and Buena Vista Avenue East, is hereby established for the purposes set forth in*
20 *subsection (b), below. The boundaries of the Central Neighborhoods Large Residence Special Use*
21 *District are designated on Sectional Map Nos. ZN06, ZN07, ZN11, and ZN12 of the Zoning Map of the*
22 *City and County of San Francisco.*

23 (b) **Purpose.** *To protect and enhance existing neighborhood context, encourage new*
24 *infill housing at compatible densities and scale, and provide for thorough assessment of proposed large*
25 *single-family residences that could adversely impact neighborhood character and affordable housing*

1 opportunities, the following controls, set forth in subsections (c)-(g), below, are imposed in the Central
2 Neighborhoods Large Residence Special Use District.

3 (c) **Applicability.**

4 (1) Except as provided in this subsection (c), the provisions of this Section 249.92
5 apply to all lots in Residential, House (RH) zoning districts located within the Central Neighborhoods
6 Large Residence Special Use District, in those instances where a complete Development Application
7 was submitted on or after January 1, 2022.

8 (2) All applicable provisions of the Planning Code shall continue to apply to
9 Residential Buildings, except as otherwise stated in this Section 249.92.

10 (3) The provisions of this Section 249.92 shall not apply to any lot within the Corona
11 Heights Large Residence Special Use District.

12 (d) **Maximum Size of Dwelling Units.** For all lots zoned RH within the Central
13 Neighborhoods Large Residence Special Use District, no residential development or expansion of an
14 existing Residential Building shall be permitted that would result in any Dwelling Unit exceeding 4,000
15 square feet of Gross Floor Area, except where the total increase of Gross Floor Area of any existing
16 Dwelling Unit is less than 15%.

17 (e) **Conditional Use Authorizations.** For all lots zoned RH within the Central
18 Neighborhoods Large Residence Special Use District, a Conditional Use authorization shall be
19 required for any residential development or expansion of a Residential Building that would
20 result in any Dwelling Unit with a Gross Floor Area exceeding the equivalent of a 1:1.2 Floor Area
21 Ratio, or would result in any Dwelling Unit exceeding 3,000 square feet of Gross Floor Area, except
22 where the total increase of gross floor area of any existing Dwelling Unit is less than 15%.

23 (f) **Conditional Use Findings.** In addition to the criteria outlined in Planning Code Section
24 303(c)(1), in acting upon an application for Conditional Use authorization within the Central
25 Neighborhoods Large Residence Special Use District the Planning Commission shall also consider

1 whether facts are presented to establish, based on the record before the Commission, that the following
2 criteria are met:

3 (1) the proposed project is contextual with the neighborhood, meets applicable
4 Residential Design Guidelines, and seeks to retain any existing design elements;

5 (2) the proposed project does not remove Rental Units subject to the Residential Rent
6 Stabilization and Arbitration Ordinance;

7 (3) the proposed project increases the number of Dwelling Units on the lot;

8 (4) no Dwelling Unit is less than one-third the gross floor area of the largest Dwelling
9 Unit in a Residential Building;

10 (5) the proposed project does not negatively impact the historic integrity of the property
11 or any existing structure on a lot that is listed in or formally eligible for listing in the California
12 Register of Historic Resources, or has been determined to appear eligible for listing in the California
13 Register of Historic Resources or to qualify as a "historical resource" under CEQA; and

14 (6) the project does not negatively impact the historic integrity of any existing structure
15 on a lot that has been adopted as a local landmark or a contributor to a local historic district under
16 Articles 10 or 11 of this Code, or would render the property ineligible for historic designation as an
17 individual or contributing resource.

18 (g) **Calculation of Gross Floor Area.** For the purposes of this Section 249.92, the following
19 shall apply in the calculation of total Gross Floor Area:

20 (1) Gross Floor Area shall have the meaning set forth in Planning Code Section 102,
21 except that floor space dedicated to accessory parking shall be included; and

22 (2) Any increase in Gross Floor Area shall include (A) all expansions of the Residential
23 Building for which a building permit was issued within the previous 10 years, except that expansions
24 for which building permits were issued prior to January 1, 2022 shall not be considered, and (B) any
25

1 Gross Floor Area resulting from construction performed without a validly issued permit regardless of
2 the date of construction.

3
4 Section 3. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11
12 By: /s/ KRISTEN A. JENSEN
13 KRISTEN A. JENSEN
Deputy City Attorney

14 n:\egana\as2022\2100212\01580463.docx