

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 28, 2022
To: Planning Department/Commission
From: Erica Major, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 221105
Planning Code - HOME-SF

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

1 [Planning Code - HOME-SF]

2

3 **Ordinance amending the Planning Code to exclude designated historic districts under**
 4 **Article 10 of the Planning Code from the provisions of the Home Ownership Means**
 5 **Equity - San Francisco (HOME-SF) program; affirming the Planning Department's**
 6 **determination under the California Environmental Quality Act; and making findings of**
 7 **consistency with the General Plan, and the eight priority policies of Planning Code,**
 8 **Section 101.1, and findings of public necessity, convenience, and welfare under**
 9 **Planning Code, Section 302.**

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

14

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

16 Section 1. Environmental and Planning Code Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
 18 ordinance comply with the California Environmental Quality Act (California Public Resources
 19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 20 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
 21 determination.

22 (b) On _____, the Planning Commission, in Resolution No. _____,
 23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 24 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
 25

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) On _____, the Planning Commission, in Resolution No. _____,
4 recommended this ordinance for adoption by the Board of Supervisors, and adopted findings
5 that it will serve the public necessity, convenience, and welfare, as provided in Planning Code
6 Section 302. The Board adopts these findings as its own. A copy of said Resolution is on file
7 with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
8 reference.

9
10 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
11 206.3, to read as follows:

12
13 **SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO**
14 **PROGRAM.**

15 * * * *

16 (b) **Applicability.** A HOME-SF Project under this Section 206.3 shall be a project that:

17 (1) contains three or more residential units, as defined in Section 102, not
18 including any Group Housing as defined in Section 102, efficiency dwelling units with reduced
19 square footage defined in Section 318, and Density Bonus Units permitted through this
20 Section 206.3, or any other density bonus;

21 (2) is located in any zoning district that: (A) is not designated as an RH-1 or RH-
22 2 Zoning District; and (B) establishes a maximum dwelling unit density through a ratio of
23 number of units to lot area, including RH-3, RM, RC, C-2, Neighborhood Commercial, Named
24 Neighborhood Commercial, and SoMa Mixed Use Districts; but only if the SoMa Mixed Use
25 District has a density measured by a maximum number of dwelling units per square foot of lot

1 area; (C) is not in the North of Market Residential Special Use District, Planning Code Section
2 249.5, until the Affordable Housing Incentive Study is completed at which time the Board will
3 review whether the North of Market Residential Special Use District should continue to be
4 excluded from this Program. The Study will explore opportunities to support and encourage
5 the provision of housing at the low, moderate, and middle income range in neighborhoods
6 where density controls have been eliminated. The goal of this analysis is to incentivize
7 increased affordable housing production levels at deeper and wider ranges of AMI and larger
8 unit sizes in these areas through 100% affordable housing development as well as below
9 market rate units within market rate developments; (D) is not located within the boundaries of
10 the Northeastern Waterfront Area Plan south of the centerline of Broadway; ~~and~~ (E) is not
11 located on property under the jurisdiction of the Port of San Francisco; and (F) is not located in
12 a designated historic district under Article 10 of this Code;

13 (3) is not seeking and receiving a density or development bonus under the
14 provisions of California Government Code Sections 65915 et seq., Planning Code Section
15 207, Section 124(f), Section 202.2(f), Section 304, or any other State or local program that
16 provides development bonuses;

17 (4) includes at least 135% of the Base Density as calculated under Planning
18 Code Section 206.5;

19 (5) consists of new construction, and excluding any project that includes an
20 addition to an existing structure;

21 (6) complies with the on-site Inclusionary Affordable Housing option set forth in
22 Planning Code Section 415.6; provided however, that the percentage of affordable units and
23 the required affordable sales price or affordable rents set forth in Section 415.6(a) shall be as
24 provided in this Section 206.3;

25

1 (7) if any retail use is demolished or removed, does not include a Formula
2 Retail use, as defined in Planning Code Section 303.1, unless the retail use demolished or
3 removed was also a Formula Retail Use, or was one of the following uses: Gas Stations,
4 Private or Public Parking Lots, Financial Services, Fringe Financial Services, Self Storage,
5 Motel, Automobile Sales or Rental, Automotive Wash, Mortuaries, Adult Business, Massage
6 Establishment, Medical Cannabis Dispensary, and Tobacco Paraphernalia Establishment, as
7 those uses are defined in Planning Code Section 102;

8 (8) if located north of the centerline of Post Street and east of the centerline of
9 Van Ness Avenue, all otherwise eligible HOME-SF Projects shall only be permitted on:

10 (A) lots containing no existing buildings; or

11 (B) lots equal to or greater than 12,500 square feet where existing
12 buildings are developed to less than 20% of the lot's principally permitted buildable gross floor
13 area as determined by height limits, rear yard requirements, and required setbacks;

14 (9) if the City enacts an ordinance directing the Planning Department to study
15 the creation of a possible area plan wholly or partially located in Supervisorial District 9,
16 HOME-SF Projects shall not be permitted in any area in Supervisorial District 9 listed in the
17 ordinance until such time as the City enacts the area plan.

18 * * * *

19
20 Section 3. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.
24
25

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/
11 AUDREY WILLIAMS PEARSON
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - HOME-SF]

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity - San Francisco (HOME-SF) program; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Planning Code section 206.3, Home Ownership Means Equity – San Francisco (“HOME-SF”), allows for density bonuses and other modifications to Planning Code requirements for projects that include additional affordable units under the Inclusionary Housing Program, Planning Code section 415 et seq. Article 10 of the Planning Code sets forth requirements for designating and protecting historic districts, and includes a number of historic districts in San Francisco.

Amendments to Current Law

This ordinance would add an eligibility restriction to HOME-SF that projects not be located in an historic district identified in Article 10 of the Planning Code.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Peskin

Subject:

[Planning Code - HOME-SF]

The text is listed:

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity – San Francisco (HOME-SF) program; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor: [] 

For Clerk's Use Only