

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: October 25, 2023
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 231079
Planning Code - Density Controls in Community Business Districts

- 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 John Carroll at john.carroll@sfgov.org.

1 [Planning Code - Density Controls in Community Business Districts]

2

3 **Ordinance amending the Planning Code to modify density limits in C-2 Districts**
 4 **(Community Business), east of Columbus Avenue and north of Washington Street;**
 5 **affirming the Planning Commission’s determination under the California Environmental**
 6 **Quality Act; making public necessity, convenience, and welfare findings under**
 7 **Planning Code, Section 302; and making findings of consistency with the General Plan,**
 8 **and the eight priority policies of Planning Code, Section 101.1.**

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

13

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

15

16 Section 1. Environmental and Land Use 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
 21 this 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) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare, and makes other
5 findings required by the California Government Code, for the reasons set forth in Planning
6 Commission Resolution No. _____, and the Board adopts such reasons as its own. A copy
7 of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____
8 and is incorporated herein by reference.

9
10 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
11 210.1, to read as follows:

12 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

13 These districts serve several functions. They provide convenience goods and services
14 to Residential areas of the City, both in outlying sections and in closer-in, more densely built
15 communities. In addition, some C-2 Districts provide comparison shopping goods and
16 services on a general or specialized basis to a Citywide or a regional market area,
17 complementing the main area for such types of trade in downtown San Francisco. The extent
18 of these districts varies from smaller clusters of stores to larger concentrated areas, including
19 both shopping centers and strip developments along major thoroughfares, and in each case
20 the character and intensity of commercial development are intended to be consistent with the
21 character of other uses in the adjacent areas. The emphasis in C-2 Districts is upon
22 compatible retail uses, but the district also allows a wider variety of goods and services to suit
23 the longer-term needs of customers and a greater latitude is given for the provision of
24 automobile-oriented uses.

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

* * * *

* * * *		
Residential Standards and Uses		
Zoning Category	§ References	C-2
* * * *		
Residential Uses		
Residential Density, Dwelling Units (5)	§ 207	P at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above. (8)

1

* * * *		
---------	--	--

2 * * * *

3 (8) In C-2 zoning districts east of or fronting Franklin Street/13th Street and west of
4 Columbus Avenue, and north of Townsend Street and south of Washington Street, there is no
5 density limit. Density is regulated by the permitted height and bulk, and required setbacks,
6 exposure, open space, and other Code requirements applicable to each development lot.

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

12
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the “Note” that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ _____
23 AUDREY PEARSON
24 Deputy City Attorney

25 n:\legana\as2023\2400142\01711818.docx

LEGISLATIVE DIGEST

[Planning Code - Density Controls in Community Business Districts]

Ordinance amending the Planning Code to modify density limits in C-2 Districts (Community Business), east of Columbus Avenue and north of Washington Street; affirming the Planning Commission’s determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently, the C-2 zoning district (Community Business District) allows residential uses at a density not to exceed the density of the closest R district, or, no less than 1 unit for each 800 square of lot area. However, in C-2 districts east of Franklin Street/13th Street and north of Townsend Street there is no density limit; density is regulated by the permitted height and bulk and required setbacks, exposure, open space, and other Planning Code requirements applicable to the lot.

Amendments to Current Law

This ordinance would limit the area in which C-2 districts have no density limits. C-2 districts east of Columbus Avenue and north of Washington Street would allow residential uses at the density of the closest R district, or no less than 1 unit for each 800 square of lot area.

Background Information

The density limit in C-2 districts located east of Franklin Street/13th Street and north of Townsend Street was amended by the Board, effective August 2023, to allow no density limit. Prior to August 2023, the density limit in that area was the density of the closest R district, or no less than 1 unit for each 800 square feet of lot area. (See Board Ordinance Nos. 122-23 and 159-23.) This ordinance restores the density limit in C-2 districts located east of Columbus Avenue and north of Washington Street to the density of the closest R district, or no less than 1 unit for each 800 square feet of lot area – the density that was allowed prior to the change in August 2023.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: