

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: April 22, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240170
Planning Code - Density Controls in Three Historic 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~~ Three Historic 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~~ the**

5 **Northeast Waterfront Historic District, the Jackson Square Historic District, and the**

6 **Jackson Square Historic District Extension, except for projects in those areas using**

7 **the Commercial to Residential Adaptive Reuse Program; creating an exception to**

8 **numerical density in those areas for certain projects; affirming the Planning**

9 **Commission’s determination under the California Environmental Quality Act; making**

10 **public necessity, convenience, and welfare findings under Planning Code, Section 302;**

11 **and making findings of consistency with the General Plan and the eight priority**

12 **policies of Planning Code, Section 101.1.**

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

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

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

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

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

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

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

19
20 Section 1. Environmental and Land Use Findings

21 (a) The Planning Department has determined that the actions contemplated in this

22 ordinance comply with the California Environmental Quality Act (California Public Resources

23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

24 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms

25 this determination.

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

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

12
13 Section 2. Article 2 of the Planning Code is hereby amended by revising Sections
14 210.1 and 210.5, to read as follows:

15
16 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

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

1 compatible retail uses, but the district also allows a wider variety of goods and services to suit
 2 the longer-term needs of customers and a greater latitude is given for the provision of
 3 automobile-oriented uses.

4
 5 **Table 210.1**
 6 **ZONING CONTROL TABLE FOR C-2 DISTRICTS**

7 * * * *

8 * * * *		
9 Residential Standards and Uses		
10 Zoning Category	11 § References	12 C-2
13 * * * *		
14 Residential Uses		
15 Residential Density, Dwelling Units (5)	16 § 207	17 P at a density ratio not 18 exceeding the number of 19 dwelling units permitted in 20 the nearest R District, with 21 the distance to such R 22 District measured from the 23 midpoint of the front lot line 24 or from a point directly 25 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)
* * * *		

* * * *

(8) In C-2 zoning districts east of or fronting Franklin Street/13th Street and west of Columbus Avenue, and north of Townsend Street and south of Washington Street, except for parcels within the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension, there is no density limit. The Jackson Square Historic District Extension shall include parcels within the area bounded by the northern boundary of the Jackson Square Historic District and the centerline of Sansome Street, Kearny Street, and Broadway there is no density limit. On parcels with no density limit, density Density is regulated by the permitted height and bulk, and required setbacks, exposure, open space, and other Code requirements applicable to each development lot.

SEC. 210.5. COMMERCIAL TO RESIDENTIAL ADAPTIVE REUSE PROGRAM.

(a) **Purpose and Findings.** This Section 210.5 describes the Commercial to Residential Adaptive Reuse Program. The purpose of the Program is to facilitate the adaptive reuse of non-residential buildings to support the City's housing needs by allowing for conversion, but not the demolition, of those buildings to residential use.

* * * *

1 (d) **Controls.** Applicable provisions of the Planning Code shall control except as
2 otherwise provided in this Section 210.5. If there is a conflict between other provisions of the
3 Planning Code and this Section 210.5, this Section shall prevail; provided that this Section
4 does not alter, amend, or modify Section 249.93 (Group Housing Special Use District). For
5 Commercial to Residential Adaptive Reuse projects, the following zoning controls shall be
6 waived or modified, as described:

7 * * * *

8 (13) **Density Limits.** No density limit for projects located within the Northeast
9 Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square
10 Historic District Extension. The Jackson Square Historic District Extension shall include
11 parcels within the area bounded by the northern boundary of the Jackson Square Historic
12 District and the centerline of Sansome Street, Kearny Street, and Broadway. Density in those
13 areas shall be regulated by the permitted height and bulk, and required setbacks, exposure,
14 open space, and other Code requirements applicable to each development lot.

15 * * * *

16 Section 3. Article 2 of the Planning Code is hereby amended by revising Section 207
17 to read as follows:

18
19 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

20 * * * *

21 (c) **Exceptions to Dwelling Unit Density Limits.** An exception to the calculations
22 under this Section 207 shall be made in the following circumstances:

23 * * * *

1 (10) Density Exception for lots within the Northeast Waterfront Historic
2 District, the Jackson Square Historic District, and the Jackson Square Historic District
3 Extension.

4 (A) Eligibility. A Project must meet all of the following criteria:

5 (i) is located on a lot within the Northeast Waterfront Historic
6 District, the Jackson Square Historic District, and the Jackson Square Historic District
7 Extension. The Jackson Square Historic District Extension shall include parcels within the
8 area bounded by the northern boundary of the Jackson Square Historic District and the
9 centerline of Sansome Street, Kearny Street, and Broadway; and,

10 (ii) is not seeking and receiving a density bonus under the
11 provisions of California Government Code Sections 65915 of more than 50% additional
12 density; and

13 (iii) except as provided in subsection (c)(10)(A)(ii), is not seeking
14 or receiving a density or other development bonus under Planning Code Section 206, any
15 other density exception in this Planning Code Section 207, Section 124(f), Section 202.2(f),
16 Section 304, or other State or local program that provides additional density.

17 (B) Density Exception. Projects that meet the eligibility criteria in
18 subsection (c)(10)(A) are exempt from the residential density limits otherwise applicable in the
19 zoning district where the project is located. Density shall be regulated by the permitted height
20 and bulk, and required setbacks, exposure, open space, and any adopted design standards or
21 guidelines for each parcel as a Principally Permitted Use.

22 (C) Other Planning Code Requirements. Except as otherwise noted in
23 this subsection (c)(10), all applicable Planning Code requirements shall continue to apply.

1 Section 34. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor’s veto of the ordinance.

5
6 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the “Note” that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Audrey Pearson
16 AUDREY PEARSON
17 Deputy City Attorney

18
19
20
21
22
23
24
25
n:\legana\as2023\2400142\01751156.docx

REVISED LEGISLATIVE DIGEST
(Amended in Committee – April 22, 2024)

[Planning Code - Density Controls in Three Historic Districts]

Ordinance amending the Planning Code to modify density limits in the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension, except for projects in those districts using the Commercial to Residential Adaptive Reuse Program; creating an exception to numerical density in those areas for certain projects; 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, whichever is greater. However, in C-2 districts east of Franklin Street/13th Street and north of Townsend Street (an area that includes the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension), 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.

The Northeast Waterfront Historic District and the Jackson Square Historic District are historic districts listed in Planning Code Article 10. The Jackson Square Historic District Extension is the area north of the Jackson Square Historic District boundary, to the centerline of Broadway between Sansome and Kearny Streets. The extension is not part of the Article 10 Jackson Square Historic District, but has been noted and described by the State of California in a Historic Resource Inventory.

The Commercial to Residential Adaptive Reuse Program in Planning Code section 210.5 allows certain modifications of the Planning Code for projects that involve the conversion of a commercial building into a residential building. Modifications to density are not included in the program.

Planning Code section 207 establishes various methodologies for calculating residential density on sites in San Francisco, and provides for a number of exceptions to density calculations.

The State Density Bonus Law, Government Code Section 65915 et seq., requires local jurisdictions to allow additional density, as well as modifications to zoning controls, for projects that include on-site affordable housing. The amount of the density bonus and number of concessions and incentives increase as the amount of affordable housing increases, or the level of affordability decreases. Projects can receive up to a 100% increase in density.

Amendments to Current Law

This ordinance would limit the area in which C-2 districts have no density limits. Parcels in the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension (as defined) 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. Projects in those three historic areas that use the Commercial to Residential Adaptive Reuse Program would have no density limit.

The ordinance would also create a density exception for projects in the three historic districts that seek a density bonus under California Government Code section 65915 of no more than a 50% increase in density. For those projects, density would be regulated by the permitted height and bulk and required setbacks, exposure, open space, and other Planning Code requirements applicable to the lot.

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 of Supervisors, 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 (in File No. 240170) is a duplicate of Ordinance 59-24, found in Board File No. 231079. Ordinance 59-24 was approved by the Board of Supervisors on March 26, 2024 (overriding the Mayor's veto on March 14, 2024). This duplicate ordinance includes the language adopted in Ordinance 59-24, as well as amendments made at the Land Use and Transportation Committee on April 22, 2024. The amendments made on April 22, 2024 are found in Section 3 (the amendments to Planning Code section 207), and conforming amendments to the long title.