

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.

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