

BOARD of SUPERVISORS



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January 28, 2022

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On January 25, 2022, Supervisor Mandelman introduced the following legislation:

File No. 210116-2

Ordinance amending the Planning Code and Zoning Map to create the Central Neighborhoods Large Residence Special Use District (the area within a perimeter established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O'Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East), to preserve and enhance neighborhood context and affordability by, among other things, requiring Conditional Use authorization for large residential developments in the District and prohibiting new residential development or expansion of an existing Residential Building that would result in any Dwelling Unit exceeding 4,000 square feet of gross floor area in most circumstances; 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 convenience, necessity, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Rich Hillis, Director
Dan Sider, Chief of Staff
Aaron Starr, Manager of Legislative Affairs
AnMarie Rodgers, Director of Citywide Planning
Tina Tam, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

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

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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; affirming the Planning Department’s determination**
16 **under the California Environmental Quality Act; and making findings of consistency**
17 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1,**
18 **and findings of public convenience, necessity, and welfare under Planning Code,**
19 **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 that the actions contemplated in this
3 ordinance comply with the California Environmental Quality Act (California Public Resources
4 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
5 Supervisors in File No. _____ and is incorporated herein by reference. The Board
6 affirms this determination.

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

13 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
14 Planning Code amendment will serve the public necessity, convenience, and welfare for the
15 reasons set forth in Planning Commission Resolution No. _____, and the Board
16 adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the
17 Board of Supervisors in File No. _____ and is incorporated herein by reference.
18

19 Section 2. The Planning Code is hereby amended by adding Section 249.92 to read as
20 follows:

21
22 **SEC. 249.92. CENTRAL NEIGHBORHOODS LARGE RESIDENCE SPECIAL USE**
23 **DISTRICT.**

24 (a) **General.** *A special use district entitled the "Central Neighborhoods Large Residence*
25 *Special Use District," consisting of the area within a perimeter established by Waller Street, Steiner*

1 Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany
2 Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey
3 Boulevard, Joost Avenue, Congo Street, Bosworth Street, O’Shaughnessy Boulevard, Portola Drive,
4 Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West,
5 Haight Street, and Buena Vista Avenue East, is hereby established for the purposes set forth in
6 subsection (b), below. The boundaries of the Central Neighborhoods Large Residence Special Use
7 District are designated on Sectional Map Nos. ZN06, ZN07, ZN11, and ZN12 of the Zoning Map of the
8 City and County of San Francisco.

9 (b) **Purposes.** To protect and enhance existing neighborhood context, encourage new
10 infill housing at compatible densities and scale, and provide for thorough assessment of proposed large
11 single-family residences that could adversely impact neighborhood character and affordable housing
12 opportunities, the following controls, set forth in subsections (c)-(g), below, are imposed in the Central
13 Neighborhoods Large Residence Special Use District.

14 (c) **Applicability.**

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

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

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

23 (d) **Maximum Size of Dwelling Units.** For all lots zoned RH within the Central
24 Neighborhoods Large Residence Special Use District, no residential development or expansion of an
25 existing Residential Building shall be permitted that would result in any Dwelling Unit exceeding 4,000

1 square feet of Gross Floor Area, except where the total increase of Gross Floor Area of any existing
2 Dwelling Unit is less than 15%.

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

9 (f) **Conditional Use Findings.** In addition to the criteria outlined in Planning Code Section
10 303(c)(1), in acting upon an application for Conditional Use authorization within the Central
11 Neighborhoods Large Residence Special Use District the Planning Commission shall also consider
12 whether facts are presented to establish, based on the record before the Commission, that the following
13 criteria are met:

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

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

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

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

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

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

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

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

9 (2) Any increase in Gross Floor Area shall include (A) all expansions of the Residential
10 Building for which a building permit was issued within the previous 10 years, except that expansions
11 for which building permits were issued prior to January 1, 2022 shall not be considered, and (B) any
12 Gross Floor Area resulting from construction performed without a validly issued permit regardless of
13 the date of construction.

14
15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22
23 By: /s/ KRISTEN A. JENSEN
 KRISTEN A. JENSEN
24 Deputy City Attorney

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LEGISLATIVE DIGEST
(Substituted, 01/25/2022)

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

Ordinance amending the Planning Code and Zoning Map to create the Central Neighborhoods Large Residence Special Use District (the area within a perimeter established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O’Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East), to preserve and enhance neighborhood context and affordability by, among other things, requiring Conditional Use authorization for large residential developments in the district and prohibiting new residential development or expansion of an existing Residential Building that would result in any Dwelling Unit exceeding 4,000 square feet of Gross Floor Area in most circumstances; 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 convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

Under the Planning Code, residential parcels within the area established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O’Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East (“SUD Area”) include parcels subject to RH-1, RH-1(D), RH-1(S), RH-2 and RH-3 zoning controls. RH zoning controls do not require Conditional Use authorization for Residential developments exceeding specified Gross Floor Area Ratios (“FAR”) or include limits on maximum Dwelling Unit sizes. For all properties within the SUD Area, except those also located in the Corona Heights Large Residence Special Use District, regardless of zoning classification, there are no requirements for Conditional Use authorization based on the size of a proposed addition.

Background

On February 2, 2021, Supervisor Mandelman introduced an earlier version of this legislation (“Original Legislation”) which would have created a new Section 319 of the Planning Code requiring Conditional Use authorization for permits for Residential projects proposing new

FILE NO. 210116

construction in RH zoning districts that will result in only one Dwelling Unit on the lot, in any Dwelling Unit with a gross floor area exceeding 2,500 square feet, or in expansion of certain existing Residential developments that will result in an increase of more than 50% of gross floor area to any single Dwelling Unit or in a Dwelling Unit exceeding 2,500 square feet of gross floor area, with certain exceptions. The Original Legislation would have excepted developments from the Conditional Use authorization requirement where a complete Development Application was submitted before December 15, 2020, and developments that increase the number of Dwelling Units on the lot provided that no Dwelling Unit exceeds 2,500 square feet of gross floor area as a result of the development, no proposed Dwelling Unit is less than one-third the gross floor area of the largest Dwelling Unit resulting on the lot and certain other conditions are satisfied.

On September 23, 2021, the Planning Commission recommended disapproval of the Original Legislation.

Amendments to Current Law

The substitute proposed legislation would amend the Planning Code by adding new Section 249.92, to create the Central Neighborhoods Large Residence Special Use District, defined as the area within a perimeter established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O'Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East ("SUD").

Within the SUD, Conditional Use authorization will be required for residential developments on all lots zoned Residential, House (RH), that would result in any Dwelling Unit with a Gross Floor Area exceeding the equivalent of a 1:1.2 Floor Area Ratio, or exceeding 3,000 square feet of Gross Floor Area, except where the total increase in Gross Floor Area of any existing Dwelling Unit is less than 15 percent. New residential development or expansion of an existing Residential Building on lots zoned RH within the SUD that will result in any Dwelling Unit exceeding 4,000 square feet of Gross Floor Area are prohibited, except where the total increase of Gross Floor Area of any existing Dwelling Unit is less than 15 percent. Within the SUD, calculation of increased Gross Floor Area includes: (a) all expansions of the Residential Building for which a building permit was issued within the previous 10 years, except that expansions for which building permits were issued prior to January 1, 2022 shall not be considered, and (b) any Gross Floor Area resulting from construction performed without a validly issued permit regardless of the date of construction.

The legislation would except developments from the Conditional Use authorization requirement of Section 249.92 where a complete Development Application was submitted before January 1, 2022, and those that are located on any lot within the Corona Heights Large Residence Special Use District.