

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

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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.