

LEGISLATIVE DIGEST

(Duplicated in Committee – March 4, 2024)

[Planning Code - Density Calculation in RC, RTO, NC, and Certain Named NCDs]

Ordinance amending the Planning Code to allow form-based density in Residential-Commercial (RC), Residential Transit Oriented (RTO), Neighborhood Commercial (NC), and certain Named Neighborhood Commercial Districts (NCD), except for specified lots located in the Priority Equity Geographies Special Use District; amending the Priority Equity Geographies Special Use District; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code regulates the density of dwelling units, group housing, and senior housing by either (1) limiting the number of units per lot or per square foot of lot area – known as numerical density limits; or (2) by allowing as many units as may be constructed while complying with applicable requirements and limitations set forth elsewhere in the Code, such as height, bulk, setbacks, open space, exposure and unit mix – known as form-based density.

Most Residential-Commercial (RC), Residential Transit Oriented (RTO), and Neighborhood Commercial (NC) Districts, and certain Named Neighborhood Commercial Districts have numerical density limits.

Amendments to Current Law

This ordinance would change the density requirements for dwelling units, group housing and senior housing in RC, RTO, NC and certain Named NC District’s to form-based density. However, if a lot in an RC, RTO, NC, or certain Named NC District is within the Priority Equity Geographies Special Use District (Planning Code section 249.97), existing numerical density limits would continue to apply. Although also within the Priority Equity Geographies SUD, form-based density would control in the Excelsior Outer Mission Neighborhood Commercial District, the Polk Street Neighborhood Commercial District, and the Van Ness Special Use District.

Background

The 2022 Housing Element, adopted in January 2023, identifies several neighborhoods in the City that have been designated as Priority Equity Geographies, based on data from the Department of Public Health. Priority Equity Geographies are areas of the city that have a significant concentration of underserved populations, such as households with low incomes and communities of color.

This version of the ordinance was introduced as substitute legislation on December 12, 2023. At the time of introduction of this ordinance, the ordinance in Board of Supervisor's File No. 230446 (known as the Mayor's Constraints Ordinance) had been approved by the Board of Supervisors at two regularly scheduled meetings of the Board, and had been presented to the Mayor for signature, but was not yet effective. Section 3 of the Mayor's Constraints Ordinance added Planning Code Section 249.97, the Priority Equity Geographies Special Use District. Section 3 of this substitute ordinance amends Section 249.97 and treats that section as existing text, in plain Arial font, with additions in single-underline italic Times New Roman font and deletions in strikethrough italic Times New Roman font.

This substitute ordinance includes amendments to allow form based density in the Excelsior Outer Mission Neighborhood Commercial District, the Polk Street Neighborhood Commercial District, and the Van Ness Special Use Districts, which are also in the Priority Equity Geographies SUD; and deletes amendments to density controls in the Japantown and North Beach Neighborhood Commercial Districts. It also deletes amendments to the Zoning Map to reflect the Priority Equity Geographies SUD, which were included in the originally introduced ordinance, but instead were adopted through the Mayor's Constraints Ordinance, as noted above.

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