

1 [Planning Code - Review of Large Residence Developments]

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3 **Ordinance amending the Planning Code to require Conditional Use Authorization for**
 4 **certain large residence developments in Residential, House (RH) zoning districts;**
 5 **affirming the Planning Department’s determination under the California Environmental**
 6 **Quality Act; and making findings of consistency with the General Plan, and the eight**
 7 **priority policies of Planning Code, Section 101.1, and findings of public convenience,**
 8 **necessity, and welfare under Planning Code, Section 302.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
 12 **Board amendment additions** are in Arial font.
 13 **Board amendment deletions** are in ~~Arial font~~.
 14 **Asterisks (* * * *)** indicate the omission of unchanged Code
 15 subsections or parts of tables.

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

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16 Section 1. Environmental and Land Use Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
 18 ordinance comply with the California Environmental Quality Act (California Public Resources
 19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 20 Supervisors in File No. 210116 and is incorporated herein by reference. The Board affirms
 21 this determination.

22 (b) On _____, the Planning Commission, in Resolution No. _____,
 23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 24 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
 25 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of

1 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

2 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
3 ordinance will serve the public necessity, convenience, and welfare for the reasons stated in
4 Planning Commission Resolution No. _____.

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6 Section 2. The Planning Code is hereby amended by adding Section 319, to read as
7 follows:

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9 **SEC. 319. REVIEW OF LARGE RESIDENCE DEVELOPMENTS.**

10 (a) Purpose. The purpose of this Section 319 is to protect and enhance existing
11 neighborhood character, encourage new infill housing at compatible densities and scale, and provide
12 for thorough assessment of proposed large single-family residences that could adversely impact
13 neighborhood character and affordable housing opportunities.

14 (b) Applicability.

15 (1) This Section 319 applies to all Residential Buildings in Residential, House (RH)
16 zoning districts, in those instances where a complete Development Application was submitted on or
17 after February 2, 2021.

18 (2) All applicable provisions of the Planning Code shall continue to apply to
19 Residential Buildings, except as otherwise stated in this Section 319.

20 (c) Conditional Use Authorizations. In all RH zoning districts, the following
21 developments shall require a Conditional Use authorization:

22 (1) New Construction. Residential development on a vacant lot, or demolition and new
23 construction, where the development will result in only one Dwelling Unit on the lot or in any Dwelling
24 Unit with a gross floor area exceeding 2,500 square feet.

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1 (2) **Expansion of Existing Development.** On a developed lot where no existing
2 Dwelling Unit exceeds 2,500 square feet of gross floor area, expansion of the Residential Use that
3 would result in an increase of more than 50% of gross floor area to any Dwelling Unit or in a Dwelling
4 Unit exceeding 2,500 square feet of gross floor area, except where the total increase of gross floor area
5 of any existing Dwelling Unit is not more than 10%. The calculation of total gross floor area increase
6 shall include all development performed on the lot within the last 10 years.

7 (3) **Expansion of Existing Large Residence Development.** On a developed lot where
8 any existing Dwelling Unit exceeds 2,500 square feet of gross floor area, expansion of the Residential
9 Use that would result in an increase of more than 10% of gross floor area of any Dwelling Unit. The
10 calculation of total gross floor area increase shall include all development performed on the lot within
11 the last 10 years.

12 (d) **Exceptions.** Notwithstanding subsections (c)(2) and (c)(3) above, developments that
13 increase the number of Dwelling Units on the lot shall not require Conditional Use authorization
14 provided that: 1) no Dwelling Unit exceeds 2,500 square feet of gross floor area as a result of the
15 development, 2) no proposed Dwelling Unit is less than one-third the gross floor area of the largest
16 Dwelling Unit resulting on the lot, and 3) neither the property or any existing structure on the
17 property: i) is listed on or formally eligible for listing in the California Register of Historic Resources;
18 ii) has been adopted as a local landmark or a contributor to a local historic district under Articles 10
19 or 11, or iii) has been determined to appear eligible for listing in the California Register of Historic
20 Resources.

21 (e) **Conditional Use Findings.** In addition to the criteria outlined in Planning Code Section
22 303(c)(1), the Planning Commission shall also consider the following factors when deciding whether to
23 approve Conditional Use applications under this Section 319:

24 (1) whether the development increases the number of Dwelling Units on the lot;

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1 (2) whether the property or any existing structure on the lot is listed in or formally
2 eligible for listing in the California Register of Historic Resources or has been determined to appear
3 eligible for listing in the California Register of Historic Resources; whether the property or any
4 existing structure on the property is an "historical resource" under CEQA;

5 (3) whether any existing structure on the lot has been adopted as a local landmark or a
6 contributor to a local historic district under Articles 10 or 11 of this Code, and whether the proposed
7 development would render the property ineligible for historic designation as an individual or
8 contributing resource;

9 (4) whether the proposed development preserves or enhances the neighborhood
10 character by retaining existing design elements and meeting applicable Residential Design Guidelines;

11 (5) whether the development proposes to remove more than 50% of the existing front
12 façade; and

13 (6) whether the project removes rental units subject to the Residential Rent Stabilization
14 and Arbitration Ordinance.

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

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

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

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