FILE NO. 230026

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Family Housing Opportunity Special Use District; Design Controls and Review Procedures]

Ordinance amending the Planning Code to create the Family Housing Opportunity Special Use District, authorize up to four dwelling units for eligible projects, exempt eligible projects from certain height restrictions, conditional use authorizations, and neighborhood notification requirements, and eliminate a Planning Commission discretionary review hearing for eligible projects upon delegation by the Planning Commission; amending the Zoning Map to show the Family Housing Opportunity Special Use District; and 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 necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The General Plan consist of goals, policies and programs for the future physical development of San Francisco. The Housing Element is a component of the General Plan and serves as the City's plan for accommodating its Regional Housing Needs Allocation during an eight-year planning cycle. The draft 2023-2031 Housing Element identifies Well-Resourced Neighborhoods, comprised of high-resource and highest-resource areas, as defined by the California Tax Credit Allocation Committee and the Department of Housing and Community Development's Fair Housing Taskforce.

The Planning Code sets forth different zoning districts, including Special Use Districts, throughout the City, where different uses are permitted, conditionally permitted, or prohibited, and where various controls (such as density and height and bulk standards) apply.

The Planning Code prescribes a process to grant conditional use authorizations, which may be required in a variety of circumstances, including but not limited to the demolition, removal, or merger of dwelling units (Planning Code Section 317). The Planning Code also sets forth the procedures for neighborhood notification for building permit applications (Section 311).

Section 4.105 of the Charter provides that the Planning Commission may delegate its approval function to the Planning Department.

Amendments to Current Law

This ordinance amends the Planning Code and Zoning Map to create the Family Housing Opportunity Special Use District (SUD). The boundaries of the SUD are coterminous with the Well-Resourced Neighborhoods identified in the draft 2023-2031 Housing Element.

This ordinance exempts qualifying development projects in the SUD from all conditional use authorizations, including, but not limited to, demolition, removal, or merger of dwelling units (Section 317). Qualifying projects are also exempt from neighborhood notification procedures (Section 311). The Planning Commission may not hear an application for discretionary review of a qualifying project, provided that the Planning Commission has delegated its authority to the Planning Department.

Qualifying projects are entitled to construct up to four dwelling units per lot, notwithstanding more restrictive density limitations in the base use district. This density bonus is not inclusive of any accessory dwelling units. Qualifying projects must comply with the height and bulk authorized by the Zoning Map but need not comply with heights prescribed in the Planning Code.

A qualifying project is one that meets all of the following criteria:

- located in the Family Housing Opportunity SUD;
- proposes the new construction of a two-family dwelling unit structure, including a third detached dwelling unit, or the new construction of a three-family dwelling unit structure, including a detached fourth unit;
- contains at least two dwelling units that are two-bedroom size or larger;
- consists of new construction and not alteration to an existing structure;
- does not propose the demolition of a historic resource, as defined by California Code of Regulations, Title 14, Section 15064.5;
- complies with the Planning Code and Residential Design Guidelines;
- does not propose the demolition of “protected units,” as that term is defined in Government Code section 66300.

This ordinance shall expire by operation of law eight years after its initial effective date, unless extended by ordinance.

Background Information

The ordinance contains findings setting forth the need to promote housing development in San Francisco’s well-resourced neighborhoods. It states that the City faces a severe crisis of housing affordability and availability, characterized by dramatic increases in rent and home sale prices over recent years and historic underproduction of new housing units across income levels, particularly in the City’s well-resourced neighborhoods. This ordinance also contains findings setting forth the need to affirmatively further fair housing, by increasing density in a manner that meaningfully addresses significant disparities in housing needs and

access to opportunity, in addition to streamlining the approval process to promote certainty in development outcomes in these well-resourced neighborhoods.

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