

1 [Planning Code - HOME-SF]

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3 **Ordinance amending the Planning Code to exclude designated historic districts under**  
4 **Article 10 of the Planning Code from the provisions of the Home Ownership Means**  
5 **Equity - San Francisco (HOME-SF) program; affirming the Planning Department's**  
6 **determination under the California Environmental Quality Act; and making findings of**  
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
8 **Section 101.1, and findings of public necessity, convenience, and welfare under**  
9 **Planning Code, Section 302.**

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

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

18 Section 1. Environmental and Planning Code Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 221105 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On February 16, 2023, the Planning Commission, in Resolution No. 21252,  
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. 221105, and is incorporated herein by reference.

3 (c) On February 16, 2023, the Planning Commission, in Resolution No. 21252,  
4 recommended this ordinance for adoption by the Board of Supervisors, and adopted findings  
5 that it will serve the public necessity, convenience, and welfare, as provided in Planning Code  
6 Section 302. The Board adopts these findings as its own. A copy of said Resolution is on file  
7 with the Clerk of the Board of Supervisors in File No. 221105, and is incorporated herein by  
8 reference.

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10 Section 2. Article 2 of the Planning Code is hereby amended by revising Section  
11 206.3, to read as follows:

12  
13 **SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO**  
14 **PROGRAM.**

15 \* \* \* \*

16 (b) **Applicability.** A HOME-SF Project under this Section 206.3 shall be a project that:

17 (1) contains three or more residential units, as defined in Section 102, not  
18 including any Group Housing as defined in Section 102, efficiency dwelling units with reduced  
19 square footage defined in Section 318, and Density Bonus Units permitted through this  
20 Section 206.3, or any other density bonus;

21 (2) is located in any zoning district that: (A) is not designated as an RH-1 or RH-  
22 2 Zoning District; and (B) establishes a maximum dwelling unit density through a ratio of  
23 number of units to lot area, including RH-3, RM, RC, C-2, Neighborhood Commercial, Named  
24 Neighborhood Commercial, and SoMa Mixed Use Districts; but only if the SoMa Mixed Use  
25 District has a density measured by a maximum number of dwelling units per square foot of lot

1 area; (C) is not in the North of Market Residential Special Use District, Planning Code Section  
2 249.5, until the Affordable Housing Incentive Study is completed at which time the Board will  
3 review whether the North of Market Residential Special Use District should continue to be  
4 excluded from this Program. The Study will explore opportunities to support and encourage  
5 the provision of housing at the low, moderate, and middle income range in neighborhoods  
6 where density controls have been eliminated. The goal of this analysis is to incentivize  
7 increased affordable housing production levels at deeper and wider ranges of AMI and larger  
8 unit sizes in these areas through 100% affordable housing development as well as below  
9 market rate units within market rate developments; (D) is not located within the boundaries of  
10 the Northeastern Waterfront Area Plan south of the centerline of Broadway; *and* (E) is not  
11 located on property under the jurisdiction of the Port of San Francisco; *and (F) is not located in*  
12 *a designated historic district under Article 10 of this Code;*

13 (3) is not seeking and receiving a density or development bonus under the  
14 provisions of California Government Code Sections 65915 et seq., Planning Code Section  
15 207, Section 124(f), Section 202.2(f), Section 304, or any other State or local program that  
16 provides development bonuses;

17 (4) includes at least 135% of the Base Density as calculated under Planning  
18 Code Section 206.5;

19 (5) consists of new construction, and excluding any project that includes an  
20 addition to an existing structure;

21 (6) complies with the on-site Inclusionary Affordable Housing option set forth in  
22 Planning Code Section 415.6; provided however, that the percentage of affordable units and  
23 the required affordable sales price or affordable rents set forth in Section 415.6(a) shall be as  
24 provided in this Section 206.3;  
25

1 (7) if any retail use is demolished or removed, does not include a Formula  
2 Retail use, as defined in Planning Code Section 303.1, unless the retail use demolished or  
3 removed was also a Formula Retail Use, or was one of the following uses: Gas Stations,  
4 Private or Public Parking Lots, Financial Services, Fringe Financial Services, Self Storage,  
5 Motel, Automobile Sales or Rental, Automotive Wash, Mortuaries, Adult Business, Massage  
6 Establishment, Medical Cannabis Dispensary, and Tobacco Paraphernalia Establishment, as  
7 those uses are defined in Planning Code Section 102;

8 (8) if located north of the centerline of Post Street and east of the centerline of  
9 Van Ness Avenue, all otherwise eligible HOME-SF Projects shall only be permitted on:

10 (A) lots containing no existing buildings; or

11 (B) lots equal to or greater than 12,500 square feet where existing  
12 buildings are developed to less than 20% of the lot's principally permitted buildable gross floor  
13 area as determined by height limits, rear yard requirements, and required setbacks;

14 (9) if the City enacts an ordinance directing the Planning Department to study  
15 the creation of a possible area plan wholly or partially located in Supervisorial District 9,  
16 HOME-SF Projects shall not be permitted in any area in Supervisorial District 9 listed in the  
17 ordinance until such time as the City enacts the area plan.

18 \* \* \* \*

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20 Section 3. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.  
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Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By:                                   /s/                                    
AUDREY WILLIAMS PEARSON  
Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 221105

**Date Passed:** May 16, 2023

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity-San Francisco (HOME-SF) Program; 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.

March 13, 2023 Land Use and Transportation Committee - CONTINUED TO CALL OF THE CHAIR

April 17, 2023 Land Use and Transportation Committee - CONTINUED

April 24, 2023 Land Use and Transportation Committee - CONTINUED

May 01, 2023 Land Use and Transportation Committee - RECOMMENDED

May 09, 2023 Board of Supervisors - PASSED ON FIRST READING

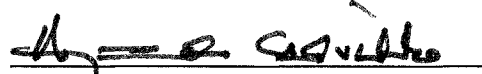
Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai, Stefani and Walton  
Excused: 1 - Ronen

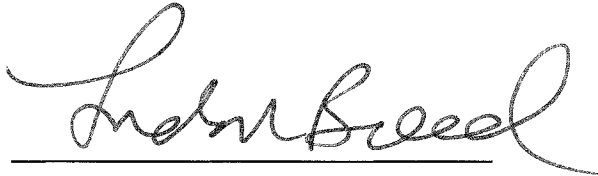
May 16, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Walton  
Excused: 1 - Stefani

File No. 221105

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
5/16/2023 by the Board of Supervisors of the  
City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
London N. Breed  
Mayor

5/26/23  
\_\_\_\_\_  
Date Approved