

1 [Planning and Subdivision Codes, Zoning Map - Housing Production]

2
3 **Ordinance amending the Planning Code to encourage housing production by (1)**
4 **exempting, under certain conditions, specified housing projects from the notice and**
5 **review procedures of Section 311 and the Conditional Use requirement of Section 317,**
6 **in areas outside of Priority Equity Geographies, which are identified in the Housing**
7 **Element as areas or neighborhoods with a high density of vulnerable populations, and**
8 **areas outside RH (Residential House) Districts within the Family Housing Opportunity**
9 **Special Use District; and (2) removing the Conditional Use requirement for several**
10 **types of housing projects, including housing developments on large lots in areas**
11 **outside the Priority Equity Geographies Special Use District, projects to build to the**
12 **allowable height limit, projects that build additional units in lower density zoning**
13 **districts, and senior housing projects that seek to obtain double density, subject to**
14 **certain exceptions in RH Districts in the Family Housing Opportunity Special Use**
15 **District; (3) amending rear yard, front setback, lot frontage, minimum lot size, and**
16 **residential open space requirements in specified districts, subject to certain**
17 **exceptions in RH Districts in the Family Housing Opportunity Special Use District; (4)**
18 **allowing additional uses on the ground floor in residential buildings, homeless**
19 **shelters, and group housing in residential districts, and administrative review of**
20 **reasonable accommodations; (5) expanding the eligibility for the Housing**
21 **Opportunities Mean Equity – San Francisco (HOME – SF) program and density**
22 **exceptions in residential districts; (6) exempting certain affordable housing projects**
23 **from certain development fees; (7) authorizing the Planning Director to approve State**
24 **Density Bonus projects, subject to delegation from the Planning Commission; (8)**

1 ~~sunsetting the Conditional Use requirements established by the Corona Heights Large~~
2 ~~Residence and the Central Neighborhoods Large Residence Special Use Districts at the~~
3 ~~end of 2024, and thereafter limiting the size of any Dwelling Units resulting from~~
4 ~~residential development in those Special Use Districts to 3,000 square feet of Gross~~
5 ~~Floor Area; and (8) (9) making conforming amendments to other sections of the~~
6 ~~Planning Code; amending the Zoning Map to create the Priority Equity Geographies~~
7 ~~Special Use District; amending the Subdivision Code to update the condominium~~
8 ~~conversion requirements for projects utilizing residential density exceptions in RH~~
9 ~~Districts; affirming the Planning Department’s determination under the California~~
10 ~~Environmental Quality Act; and making public necessity, convenience, and welfare~~
11 ~~findings under Planning Code, Section 302, and findings of consistency with the~~
12 ~~General Plan and the eight priority policies of Planning Code, Section 101.1.~~

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

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 231258 and is incorporated herein by reference. The Board affirms
this determination.

1 (b) On November 30, 2023, the Planning Commission, in Resolution No. 21454,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. 231258, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution No. 21454, and the Board adopts such reasons as
9 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
10 No. 231258 and is incorporated herein by reference.

11 Section 2. General Background and Findings.

12 (a) California faces a severe crisis of housing affordability and availability, prompting
13 the Legislature to declare, in Section 65589.5 of the Government Code, that the state has “a
14 housing supply and affordability crisis of historic proportions. The consequences of failing to
15 effectively and aggressively confront this crisis are hurting millions of Californians, robbing
16 future generations of a chance to call California home, stifling economic opportunities for
17 workers and businesses, worsening poverty and homelessness, and undermining the state's
18 environmental and climate objectives.”

19 (b) This crisis of housing affordability and availability is particularly severe in San
20 Francisco. It is characterized by dramatic increases in rent and home sale prices over recent
21 years.

22 (c) According to the Planning Department's 2020 Housing Inventory, the cost of
23 housing in San Francisco has increased dramatically since the Great Recession of 2008-
24 2009, with the median sale price for a two-bedroom house more than tripling from 2011 to
25 2021, from \$493,000 to \$1,580,000. This includes a 9% increase from 2019 to 2020 alone,

1 even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom
2 apartment saw similar although slightly smaller increases, nearly doubling from \$2,570 to
3 \$4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

4 (d) These housing cost trends come after decades of underproduction of housing in
5 the Bay Area, according to the Planning Department’s 2019 Housing Affordability Strategies
6 Report. The City’s Chief Economist has estimated that approximately 5,000 new market-rate
7 housing units per year would be required to keep housing prices in San Francisco constant
8 with the general rate of inflation.

9 (e) Moreover, San Francisco will be challenged to meet increased Regional Housing
10 Needs Allocation (“RHNA”) goals in this 2023-2031 Housing Element cycle, which total 82,069
11 units over eight years, (46,598 of which must be affordable to extremely-low, very-low, low-,
12 and moderate-income households), more than 2.5 times the goal of the previous eight-year
13 cycle. The importance of meeting these goals to address housing needs is self-evident. In
14 addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-
15 2031 RHNA housing production goals would result in limitations on San Francisco’s control
16 and discretion over certain projects.

17 (f) On January 31, 2023, the City adopted the 2022 Update of the Housing Element of
18 the General Plan (“2022 Housing Element”), as required by state law. The 2022 Housing
19 Element is San Francisco’s first housing plan that is centered on racial and social equity. It
20 articulates San Francisco’s commitment to recognizing housing as a right, increasing housing
21 affordability for low-income households and communities of color, opening small and mid-rise
22 multifamily buildings across all neighborhoods, and connecting housing to neighborhood
23 services like transportation, education, and economic opportunity.

24 (g) The 2022 Housing Element includes goals, objectives, policies and implementing
25 programs that seek to guide development patterns and the allocation of resources to San

1 Francisco neighborhoods. Generally, it intends to shift an increased share of the San
2 Francisco’s projected future housing growth to transit corridors and low-density residential
3 districts within “Well-Resourced Neighborhoods” (which are areas identified by the state as
4 neighborhoods that provide strong economic, health, and educational outcomes for its
5 residents), while aiming to prevent the potential displacement and adverse racial and social
6 equity impacts of zoning changes, planning processes, or public and private investments for
7 populations and in areas that may be vulnerable to displacement, such as “Priority Equity
8 Geographies” (identified in the Department of Public Health’s Community Health Needs
9 Assessment as Areas of Vulnerability).

10 (h) Among other policies, the 2022 Housing Element commits the City to remove
11 governmental constraints on housing development, maintenance and improvement,
12 specifically in Well-Resourced Neighborhoods and in areas outside of Priority Equity
13 Geographies, as well as to reduce costs and administrative processes for affordable housing
14 projects, small and multifamily housing, and to simplify and standardize processes and permit
15 procedures. Among many other obligations, the 2022 Housing Element requires that the City
16 remove Conditional Use Authorization requirements for code compliant projects, eliminate
17 hearing requirements, and modify standards and definitions to permit more types of housing
18 across the City, in Well-Resourced Neighborhoods and outside of Priority Equity
19 Geographies. This ordinance advances those goals.

20
21 Section 3. The Planning Code is hereby amended by deleting Sections 121.1, and
22 ~~121.3, 132.2, 253, 253.1, 253.2, and 253.3~~, revising Sections ~~102, 121, 121.7, 132, 134, 135,~~
23 ~~140, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 249.77,~~
24 ~~249.92, 253, 305.1, 311, 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and~~
25 ~~812~~, and adding new Sections 121.1 and 121.3, and ~~Section 249.97~~, to read as follows:

1 ***SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL***
 2 ***DISTRICTS.***

3 ~~(a) Purpose. In order to promote, protect, and maintain a scale of development that is~~
 4 ~~appropriate to each district and compatible with adjacent buildings, new construction or significant~~
 5 ~~enlargement of existing buildings on lots of the same size or larger than the square footage stated in the~~
 6 ~~table below shall be permitted only as Conditional Uses.~~

<i>District</i>	<i>Lot Size Limits</i>
<i>North Beach</i>	<i>2,500 sq. ft.</i>
<i>Pacific Avenue</i>	
<i>Polk Street</i>	
<i>NC-1, NCT-1</i>	<i>5,000 sq. ft.</i>
<i>24th Street Mission</i>	
<i>24th Street Noe Valley</i>	
<i>Broadway</i>	
<i>Castro Street</i>	
<i>Cole Valley</i>	
<i>Glen Park</i>	
<i>Haight Street</i>	
<i>Inner Clement Street</i>	
<i>Inner Sunset</i>	
<i>Irving Street</i>	
<i>Judah Street</i>	

1	<i>Lakeside Village</i>	
2	<i>Noriega Street</i>	
3	<i>Outer Clement Street</i>	
4	<i>Sacramento Street</i>	
5	<i>Taraval Street</i>	
6	<i>Union Street</i>	
7	<i>Upper Fillmore Street</i>	
8	<i>West Portal Avenue</i>	
10	<i>NC 2, NCT 2</i>	<i>10,000 sq. ft.</i>
11	<i>NC 3, NCT 3</i>	
12	<i>Bayview</i>	
13	<i>Cortland Avenue</i>	
14	<i>Divisadero Street</i>	
15	<i>Excelsior Outer Mission Street</i>	
16	<i>Fillmore Street</i>	
17	<i>Folsom Street</i>	
18	<i>Geary Boulevard</i>	
19	<i>Hayes Gough</i>	
20	<i>Inner Balboa Street</i>	
21	<i>Inner Taraval Street</i>	
22	<i>Japantown</i>	
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<i>Lower Haight Street</i>		
<i>Lower Polk Street</i>		
<i>Mission Bernal</i>		
<i>Mission Street</i>		
<i>Ocean Avenue</i>		
<i>Outer Balboa Street</i>		
<i>Regional Commercial District</i>		
<i>San Bruno Avenue</i>		
<i>SoMa</i>		
<i>Upper Market Street</i>		
<i>Valencia Street</i>		
<i>NC S</i>		<i>Not Applicable</i>

~~(b) **Design Review Criteria.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:~~

- ~~(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.~~
- ~~(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.~~
- ~~(3) Where 5,000 or more gross square feet of Non-Residential space is proposed, that the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.~~

**SEC. 121.1. DEVELOPMENT OF LARGE LOTS IN NEIGHBORHOOD
COMMERCIAL DISTRICTS LOCATED IN THE PRIORITY EQUITY GEOGRAPHIES
SPECIAL USE DISTRICT.**

(a) Purpose. In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the Neighborhood Commercial Districts located in the Priority Equity Geographies Special Use District established under Section 249.97 shown in the table below shall be permitted only as Conditional Uses.

<u>District</u>	<u>Lot Size Limits</u>
<u>North Beach (*)</u>	<u>2,500 sq. ft.</u>
<u>Polk Street (*)</u>	
<u>NC-1, NCT-1 (*)</u>	<u>5,000 sq. ft.</u>
<u>24th Street-Mission</u>	
<u>NC-2, NCT-2 (*)</u>	<u>10,000 sq. ft.</u>
<u>NC-3, NCT-3 (*)</u>	
<u>Bayview</u>	
<u>Divisadero Street (*)</u>	
<u>Excelsior Outer Mission Street</u>	
<u>Fillmore Street (*)</u>	
<u>Folsom Street</u>	
<u>Hayes-Gough</u>	

1	<u>Lower Polk Street</u>	
2	<u>Mission Street</u>	
3	<u>San Bruno Avenue</u>	
4	<u>SoMa</u>	
5	<u>Upper Market Street</u>	
6	<u>Valencia Street (*)</u>	

8 (*) These districts are located at least partially in the Priority Equity Geographies
9 Special Use District established under Section 249.97. The controls in this Section 121.1
10 shall apply to those areas of these districts that are within the Priority Equity Geographies
11 SUD. The controls in this Section 121.1 shall not apply to portions of any Neighborhood
12 Commercial District that are outside the Priority Equity Geographies SUD.

13 (b) Design Review Criteria. In addition to the criteria of Section 303(c) of this Code,
14 the Planning Commission shall consider the extent to which the following criteria are met:

15 (1) The mass, and façade, and other physical characteristics of the proposed
16 structure are compatible with objective design standards established with community input for
17 the districts listed above, which may be specific to particular districts, the existing scale of the
18 district.

19 (2) The facade of the proposed structure is compatible with design features of
20 adjacent facades that contribute to the positive visual quality of the district.

21 (3) Where 5,000 or more gross square feet of Non-Residential space is
22 proposed, the project provides commercial spaces in a range of sizes, including one or more
23 spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood
24 business types and business sizes.

1 **SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE**

2 **DISTRICTS.**

3 ~~In order to promote, protect, and maintain a scale of development which is appropriate to each~~
4 ~~Mixed Use District and complementary to adjacent buildings, new construction or enlargement of~~
5 ~~existing buildings on lots larger than the square footage stated in the table below shall be permitted as~~
6 ~~conditional uses subject to the provisions set forth in Section 303.~~

7 -

<i>District</i>	<i>Lot Size Limits</i>
<i>Chinatown Community Business</i>	5,000 sq. ft.
<i>Chinatown Residential/Neighborhood Commercial</i>	
<i>Chinatown Visitor Retail</i>	

13 ~~In addition to the criteria of Section 303(c), the Planning Commission shall consider the~~
14 ~~following criteria:~~

15 ~~(1) The mass and facade of the proposed structure are compatible with the existing scale of~~
16 ~~the district.~~

17 ~~(2) The facade of the proposed structure is consistent with design features of adjacent~~
18 ~~facades that contribute to the positive visual quality of the district.~~

20 **SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE**

21 **DISTRICTS.**

22 (a) In order to promote, protect, and maintain a scale of development which is
23 appropriate to each Mixed Use District and complementary to adjacent buildings, new
24 construction or enlargement of existing buildings on lots larger than the square footage stated
25

1 in the table below shall be permitted as conditional uses subject to the provisions set forth in
2 Section 303.

3 =

<u>District</u>	<u>Lot Size Limits</u>
<u>Chinatown Community Business</u>	<u>5,000 sq. ft.</u>
<u>Chinatown Residential/Neighborhood Commercial</u>	
<u>Chinatown Visitor Retail</u>	

8
9 (b) In addition to the criteria of Section 303(c), the Planning Commission shall consider
10 the following criteria:

11 ~~—— (1) The whether the mass, and façade, and other physical characteristics of the~~
12 ~~proposed structure are compatible with objective design standards established with~~
13 ~~community input for the districts listed above, which may be specific to particular districts, the~~
14 ~~existing scale of the district.~~

15 ~~(2) The facade of the proposed structure is consistent with design features of~~
16 ~~adjacent facades that contribute to the positive visual quality of the district.~~

17
18 **SEC. 311. PERMIT REVIEW PROCEDURES.**

19 (a) **Purpose.** The purpose of this Section 311 is to establish procedures for reviewing
20 ~~building permit planning entitlement applications within the Priority Equity Geographies SUD~~
21 ~~(Section 249.97) and RH Districts in the Family Housing Opportunity Special Use District~~
22 ~~(Section 249.94) to determine compatibility of the proposal with the neighborhood and for~~
23 ~~providing notice to property owners and residents on the site and neighboring the site of the~~
24
25

1 proposed project and to interested neighborhood organizations, so that concerns about a
2 project may be identified and resolved during the review of the permit.

3 (b) **Applicability.**

4 (1) Within the Priority Equity Geographies SUD and RH Districts in the Family
5 ~~Housing Opportunity Special Use District Except as indicated in this subsection (b), all building~~
6 ~~permit planning entitlement applications in Residential, NC, NCT, Chinatown Mixed Use~~
7 ~~Districts, and Eastern Neighborhoods Mixed Use Districts for a change of use; establishment of a~~
8 ~~Micro Wireless Telecommunications Services Facility; establishment of a Formula Retail Use;~~
9 ~~demolition, new construction, or alteration of buildings; and the removal of an authorized or~~
10 ~~unauthorized residential unit,~~ shall be subject to the notification and review procedures required
11 by this Section 311. ~~In addition, with the exception of Grandfathered MCDs converting to Cannabis~~
12 ~~Retail use pursuant to Section 190(a), all building permit applications that would establish Cannabis~~
13 ~~Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the~~
14 ~~notification and review procedures required by this Section 311. Notwithstanding the foregoing or any~~
15 ~~other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section~~
16 ~~102, shall not be subject to the review requirements of this Section 311.~~ Notwithstanding the
17 foregoing or any other requirement of this Section 311, building permit planning entitlement
18 applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not
19 be subject to the notification or review requirements of this Section 311. ~~Notwithstanding the~~
20 ~~foregoing or any other requirement of this Section 311, a change of use to a principally permitted use~~
21 ~~in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as~~
22 ~~defined in Sections 186 and 231, respectively, shall not be subject to the review or notice requirements~~
23 ~~of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,~~
24 ~~building permit applications to change any existing Automotive Use to an Electric Vehicle Charging~~
25 ~~Location shall not be subject to the review or notification requirements of this Section 311.~~

1 ~~(1) Change of Use. Subject to the foregoing provisions of subsection (b), for the~~
2 ~~purposes of this Section 311, a change of use is defined as follows:~~

3 ~~(A) Residential, NC, and NCT Districts. For all Residential, NC, and NCT~~
4 ~~Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as~~
5 ~~defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail, General Entertainment,~~
6 ~~Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis~~
7 ~~Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution,~~
8 ~~Private Community Facility, Public Community Facility, Religious Institution, Residential Care~~
9 ~~Facility, Restaurant, School, Tobacco Paraphernalia Establishment, Trade School, and Wireless~~
10 ~~Telecommunications Facility. A change of use from a Restaurant to a Limited Restaurant shall not be~~
11 ~~subject to the provisions of this Section 311. Any accessory massage use in the Ocean Avenue~~
12 ~~Neighborhood Commercial Transit District shall be subject to the provisions of this Section 311. A~~
13 ~~change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use~~
14 ~~or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be~~
15 ~~subject to the provisions of this Section 311.~~

16 ~~(i) Exception. Notwithstanding subsection 311(b)(1)(A), in the~~
17 ~~geographic areas identified in subsection 311(b)(1)(A)(ii), building permit applications for a change of~~
18 ~~use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): Bar,~~
19 ~~General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime~~
20 ~~Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility,~~
21 ~~Restaurant, and Tobacco Paraphernalia Establishment.~~

22 ~~(ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood Commercial~~
23 ~~Districts and Limited Commercial Uses in the following geographic areas:~~

24 ~~Area 1: shall comprise all of that portion of the City and County~~
25 ~~commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight line~~

1 ~~extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding~~
2 ~~southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th~~
3 ~~Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly~~
4 ~~along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of~~
5 ~~the Pacific Ocean and proceeding northerly along said line to the point of commencement.~~

6 ~~Area 2: shall comprise all of that portion of the City and County~~
7 ~~commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and~~
8 ~~proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and~~
9 ~~proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton~~
10 ~~Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth~~
11 ~~Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along~~
12 ~~Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line~~
13 ~~extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding~~
14 ~~southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany~~
15 ~~Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and~~
16 ~~proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison~~
17 ~~Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and~~
18 ~~proceeding southerly along Prague Street to Persia Avenue, and proceeding westerly along Persia~~
19 ~~Avenue to Athens Street, and proceeding southerly along Athens Street to Geneva Avenue, and~~
20 ~~proceeding easterly along Geneva Avenue to the intersection of Geneva Avenue and Carter Street, and~~
21 ~~proceeding westerly along the southeastern boundary of Census Tract 0263.02, Block 3005 to the San~~
22 ~~Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo~~
23 ~~county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to~~
24 ~~Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension~~
25 ~~to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding~~

1 ~~westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood~~
2 ~~Way to the point of commencement.~~

3 ~~(iii) Exception for the Ocean Avenue Neighborhood Commercial Transit~~
4 ~~District. Notwithstanding subsection 311(b)(1)(A), building permit applications in the Ocean Avenue~~
5 ~~Neighborhood Commercial Transit District for a change of use to the following uses shall be excepted~~
6 ~~from the provisions of subsections 311(d) and 311(e): General Entertainment, Limited Restaurant,~~
7 ~~Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community~~
8 ~~Facility, Restaurant, and Tobacco Paraphernalia Establishment.~~

9 ~~(B) Eastern Neighborhood Mixed Use Districts. In all Eastern Neighborhood~~
10 ~~Mixed Use Districts a change of use shall be defined as a change in, or addition of, a new land use~~
11 ~~category. A “land use category” shall mean those categories used to organize the individual land uses~~
12 ~~that appear in the use tables, immediately preceding a group of individual land uses, including but not~~
13 ~~limited to the following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly,~~
14 ~~Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services~~
15 ~~Use; Vehicle Parking Use; Industrial Use; Home and Business Service Use; or Other Use.~~

16 (2) Within the Family Housing Opportunity Special Use District. In RH
17 zoning districts within the Family Housing Opportunity SUD, projects that do not meet the
18 eligibility criteria in subsection (c) of Section 249.94 are subject to the controls in subsection
19 (b)(3).

20 (3) In all Other Projects in Residential, NC, NCT, and Eastern
21 Neighborhoods Mixed Use Districts. All building permit applications in Residential, NC,
22 NCT, and Eastern Neighborhoods Mixed Use Districts that propose any of the following shall
23 be subject to the notification and review procedures required by this Section 311.

24 (A) Any vertical alteration, unless at least one new unit is being added.
25

1 (B) Any alteration to a single-family house that increases the building's
2 Gross Square Feet to more than 3000 sq. ft. or a 25% increase of the existing Gross Square
3 Feet, whichever is greater.

4 (C) Any demolition or new construction that does not result in the addition
5 of at least one new unit.

6
7 (4) Alterations. For the purposes of this Section 311, an alteration shall be
8 defined as an increase to the exterior dimensions of a building except those features listed in
9 Section 136(c)(1) through ~~Section 136(c)(24) and~~ 136(c)(26), regardless of whether the feature is
10 located in a required setback. ~~In addition, an alteration in RH, RM, and RTO Districts shall also~~
11 ~~include the removal of more than 75% of a residential building's existing interior wall framing or the~~
12 ~~removal of more than 75% of the area of the existing framing.~~

13 ~~(3) Micro Wireless Telecommunications Services Facilities. Building permit~~
14 ~~applications for the establishment of a Micro Wireless Telecommunications Services Facility, other~~
15 ~~than a Temporary Wireless Telecommunications Services Facility, shall be subject to the review~~
16 ~~procedures required by this Section. Pursuant to Section 205.2, applications for Temporary Wireless~~
17 ~~Telecommunications Facilities to be operated for commercial purposes for more than 90 days shall~~
18 ~~also be subject to the review procedures required by this Section.~~

19 (c) **Building Permit Planning Entitlement Application Review for Compliance.**

20 Upon acceptance of any application subject to this Section, the Planning Department shall
21 review the proposed project for compliance with the Planning Code and any applicable design
22 guidelines approved by the Planning Commission. Applications determined not to be in
23 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential
24 Design Guidelines, including design guidelines for specific areas adopted by the Planning
25 Commission, or with any applicable conditions of previous approvals regarding the project,

1 shall be held until either the application is determined to be in compliance, is disapproved or a
2 recommendation for cancellation is sent to the Department of Building Inspection.

3 (1) **Design Guidelines.** The construction of new buildings and alteration of
4 existing buildings shall be consistent with the design policies and guidelines of the General
5 Plan and with the “Residential Design Guidelines” and all other applicable design guidelines
6 as adopted and periodically amended for specific areas or conditions by the Planning
7 Commission. The design for new buildings with residential uses in RTO Districts shall also be
8 consistent with the design standards and guidelines of the “Ground Floor Residential Units
9 Design Guidelines” as adopted and periodically amended by the Planning Commission. The
10 Planning Director may require modifications to the exterior of a proposed new building or
11 proposed alteration of an existing building in order to bring it into conformity with the
12 applicable design guidelines. These modifications may include, but are not limited to, changes
13 in siting, building envelope, scale texture and detailing, openings, and landscaping.

14 * * * *

15 (3) **Replacement Structure Required.** Unless the building is determined to
16 pose a serious and imminent hazard as defined in the Building Code, an application
17 authorizing demolition of an historic or architecturally important building or of a dwelling shall
18 ~~not be conditioned upon approved and issued until the City has granted~~ final approval of a
19 building permit for construction of the replacement building. A building permit is finally
20 approved if the Board of Appeals has taken final action for approval on an appeal of the
21 issuance or denial of the permit or if the permit has been issued and the time for filing an
22 appeal with the Board has lapsed with no appeal filed.

23 (A) The demolition of any building, including but not limited to historically
24 and architecturally important buildings, may be approved administratively when the Director of
25 the Department of Building Inspection, the Chief of the Bureau of Fire Prevention and

1 Investigation, or the Director of Public Works determines, after consultation with the Zoning
2 Administrator, that an imminent safety hazard exists, and the Director of the Department of
3 Building Inspection determines that demolition or extensive alteration of the structure is the
4 only feasible means to secure the public safety.

5 (d) **Notification.** Upon determination that an application is in compliance with the
6 development standards of the Planning Code, the Planning Department shall cause a notice
7 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
8 cause a written notice describing the proposed project to be sent in the manner described
9 below. This notice shall be in addition to any notices required by the Building Code and shall
10 have a format and content determined by the Zoning Administrator. It shall include a
11 description of the proposal compared to any existing improvements on the site with
12 dimensions of the basic features, elevations and site plan of the proposed project including
13 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
14 reference scale, existing and proposed uses or commercial or institutional business name, if
15 known. The notice shall describe the project review process and shall set forth the mailing
16 date of the notice and the expiration date of the notification period.

17 * * * *

18 (5) **Notification Period.** All ~~building permit~~ planning entitlement applications
19 shall be held for a period of 30 calendar days from the date of the mailed notice to allow
20 review by residents and owners of neighboring properties and by neighborhood groups.

21 (6) **Elimination of Duplicate Notice.** The notice provisions of this Section may
22 be waived by the Zoning Administrator for ~~building permit~~ planning entitlement applications for
23 projects that have been, or before approval will be, the subject of a duly noticed public hearing
24 before the Planning Commission or Zoning Administrator, provided that the nature of work for
25

1 which the ~~building permit~~ planning entitlement application is required is both substantially
2 included in the hearing notice and is the subject of the hearing.

3 (7) **Notification Package.** The notification package for a project subject to notice
4 under this Section 311 shall include a written notice and reduced-size drawings of the project.

5 * * * *

6 (D) The ~~building permit~~ planning entitlement application number(s) shall be
7 disclosed in the written notice. The start and expiration dates of the notice shall be stated. A
8 description about the recipient's rights to request additional information, to request
9 Discretionary Review by the Planning Commission and to appeal to other boards or
10 commissions shall be provided.

11 * * * *

12 (e) **Requests for Planning Commission Review.** A request for the Planning
13 Commission to exercise its discretionary review powers over a specific ~~building permit~~
14 planning entitlement application shall be considered by the Planning Commission if received
15 by the Planning Department no later than 5:00 p.m. of the last day of the notification period as
16 described in this Section 311, subject to guidelines adopted by the Planning Commission. The
17 project sponsor of a ~~building permit~~ planning entitlement application may request discretionary
18 review by the Planning Commission to resolve conflicts between the Director of Planning and
19 the project sponsor concerning requested modifications to comply with the Residential Design
20 Guidelines, or other applicable design guidelines.

21 * * * *

22 Section 4987. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section ~~54098~~. 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.

Section 6. This ordinance is a duplicate of the ordinance in Board file No. 230446 (the Original Ordinance). The Original Ordinance, as amended, proposes to delete Planning Code Sections 121.1, 121.3, 132.2, 253.1, 253.2, and 253.3, revise Planning Code Sections 102, 121, 121.7, 132, 134, 135, 140, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 249.77, 249.92, 253, 305.1, 311, 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and 812, and add new Planning Code Sections 121.1, 121.3, and 249.97. The Original Ordinance also proposes to make amendments to Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12SU13 Zoning Maps to create the Priority Equity Geographies Special Use District, and to amend Subdivision Code 1396.6.

At the regular meeting of the Land Use and Transportation Committee on December 4, 2023, the Committee duplicated file No. 230446, made further amendments to Sections 121.1, 121.3, and 311, and continued this duplicated file (Board File No. 231258) to a subsequent Committee meeting. The Committee also adopted other amendments to the Original Ordinance in Board File No. 230446, and referred the Original Ordinance to the full Board of Supervisors without recommendation as a committee report. The Board of Supervisors passed the Original Ordinance, as amended, on first read on December 5, 2023.

1 In light of the Original Ordinance in Board file No. 230446 passing on first reading, and
2 the more limited amendments in this ordinance (Board file No. 231258), at the regular meeting
3 of the Land Use and Transportation Committee on December 11, 2023, the Committee
4 amended this ordinance to remove the proposed amendments other than the amendments to
5 Sections 121.1, 121.3, and 311, such that this ordinance no longer includes those Sections.
6 As a result, this ordinance does not include amendments other than those being made to
7 Sections 121.1, 121.3, and 311.

8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Andrea Ruiz-Esquide
11 ANDREA RUIZ-ESQUIDE
12 Deputy City Attorney

13 n:\legana\as2023\2300309\01722826.docx