BOARD of SUPERVISORS

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M E M O R A N D U M

TO: Youth Commission

FROM: Angela Calvillo, Clerk of the Board

DATE: September 25, 2023

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 230446

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create 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.

Please return this cover sheet with the Commission's response to Erica Major, Assistant Clerk, Land Use and Transportation Committee at **Erica.Major@sfgov.org.**

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RESPONSE FROM YOUTH COMMISSION **Date:** 12/04/23

____ **No Comment**

__✓__ **Recommendation Attached**

Chairperson, Youth Commission

[Planning Code, Zoning Map - Housing Production]

Ordinance amending the Planning Code to encourage housing production, by 1) streamlining construction of housing citywide, but outside of Priority Equity Geographies, as defined; 2) streamlining development of housing on large lots 3) allowing construction of buildings to the allowable height limit; 4) streamlining review of State Density Bonus projects; 5) streamlining construction of additional units in lower density zoning districts; 6) streamlining process for senior housing; 7) exempting certain affordable housing projects from development fees; 8) amending rear yard, front setback, lot frontage and minimum lot size requirements; 9) amending residential open space requirements; 10) allowing additional uses on the ground floor in residential buildings; 11) allowing homeless shelters and group housing in residential districts; 12) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; and 13) allowing administrative review of reasonable accommodations; amending the Zoning Map to create 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.

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

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 230446 and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, 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 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

Section 2. General Background and Findings.

(a) California faces a severe crisis of housing affordability and availability, prompting the Legislature to declare, in Section 65589.5 of the Government Code, that the state has "a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of a chance to call California home, stifling economic opportunities for

workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives."

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

(c) According to the Planning Department's 2020 Housing Inventory, the cost of housing in San Francisco has increased dramatically since the Great Recession of 2008-2009, with the median sale price for a two-bedroom house more than tripling from 2011 to 2021, from $493,000 to $1,580,000. This includes a 9% increase from 2019 to 2020 alone, even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom apartment saw similar although slightly smaller increases, nearly doubling from $2,570 to $4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

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

(e) Moreover, San Francisco will be challenged to meet increased Regional Housing Needs Allocation ("RHNA") goals in the upcoming 2023-2031 Housing Element cycle, which total 82,069 units over eight years, more than 2.5 times the goal of the previous eight-year cycle. The importance of meeting these goals to address housing needs is self-evident. In addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-2031 RHONA housing production goals would result in limitations on San Francisco's control and discretion over certain projects.

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

(e) The 2022 Update includes goals, objectives, policies and implementing programs that seek to guide development patterns and the allocation of resources to San Francisco neighborhoods. Generally, it intends to shift an increased share of the San Francisco's projected future housing growth to transit corridors and low-density residential districts within "Well-Resourced Neighborhoods" (which are areas identified by the state that provide strong economic, health, and educational outcomes for its residents), while aiming to prevent the potential displacement and adverse racial and social equity impacts of zoning changes, planning processes, or public and private investments for populations and in areas that may be vulnerable to displacement, such as "Priority Equity Geographies" (identified in the Department of Public Health's Community Health Needs Assessment as Areas of Vulnerability).

(f) Among other policies, the 2022 Update commits the City to remove governmental constraints on housing development, maintenance and improvement, specifically in Well-Resourced Neighborhoods and in areas outside of Priority Equity Geographies, as well as to reduce costs and administrative processes for affordable housing projects, small and multifamily housing, and to simplify and standardize processes and permit procedures. Among many other obligations, the 2022 Update requires that the City remove Conditional Use Authorization requirements for code compliant projects, eliminate hearing requirements,

and modify standards and definitions to permit more types of housing across the City, in Well-Resourced Neighborhoods and outside of Priority Equity Geographies. This ordinance advances those goals.

Section 3. The Planning Code is hereby amended by deleting Sections 121.1, 121.3, 132.2, 253, 253.1, 253.2, and 253.3, and revising Sections 102, 121, 121.7, 132, 134, 135, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 305.1, 311, 317, 406, 713, 714, 754, 810, 811, and 812, to read as follows:

SEC. 102.DEFINITIONS.

*** * * ***

Dwelling Unit. A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen. *A Dwelling Unit shall also include "employee housing" when providing accommodations for six or fewer employees, as provided in State Health and Safety Code §17021.5.* A housekeeping room as defined in the Housing Code shall be a Dwelling Unit for purposes of this Code. For the purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be considered a Dwelling Unit.

*** * * ***

Height (of a building or structure). The vertical distance by which a building or structure rises above a certain point of measurement. See Section 260 of this Code for how height is measured.

Historic Building. *A Historic Building is a building or structure that meets at least one of the following criteria:*

- *It is individually designated as a landmark under Article 10;*

- *It is listed as a contributor to an historic district listed in Article 10;*
- *It is a Significant or Contributory Building under Article 11, with a Category I, II, III or IV rating;*
- *It has been listed or has been determined eligible for listing in the California Register of Historical Resources; or,*
- *It has been listed or has been determined eligible for listing in the National Register of Historic Places.*

*** * * ***

SEC. 121. MINIMUM LOT WIDTH AND AREA.

*** * * ***

(b) **Subdivisions and Lot Splits**. Subdivisions and lot splits shall be governed by the Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of California. In all such cases the procedures and requirements of said Code and said Act shall be followed, including the requirement for consistency with the General Plan of the City and County of San Francisco. ~~*Where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or the minimum standards for both lot width and area, set forth below in this Section, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standards, provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.*~~

*** * * ***

(d) **Minimum Lot Width**. The minimum lot width shall be *20 feet*. ~~*as follows:*~~

~~*(1) In RH-1(D) Districts: 33 feet;*~~

~~*(2) In all other zoning use districts: 25 feet.*~~

(e) **Minimum Lot Area**. The minimum lot area shall be *1,200 sq. ft.* ~~*as follows:*~~

~~*(1) In RH-1(D) Districts: 4,000 square feet;*~~

~~*(2) In all other zoning use districts: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.*~~

~~*(f) Conditional Uses. Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) District the City Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.*~~

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

~~*(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 table below shall be permitted only as Conditional Uses.*~~

~~*District*~~	~~*Lot Size Limits*~~
~~*North Beach*~~	~~*2,500 sq. ft.*~~
~~*Pacific Avenue*~~	
~~*Polk Street*~~	
~~*NC-1, NCT-1*~~	~~*5,000 sq. ft.*~~
~~*24th Street-Mission*~~	
~~*24th Street-Noe Valley*~~	

~~*Broadway*~~	
~~*Castro Street*~~	
~~*Cole Valley*~~	
~~*Glen Park*~~	
~~*Haight Street*~~	
~~*Inner Clement Street*~~	
~~*Inner Sunset*~~	
~~*Irving Street*~~	
~~*Judah Street*~~	
~~*Lakeside Village*~~	
~~*Noriega Street*~~	
~~*Outer Clement Street*~~	
~~*Sacramento Street*~~	
~~*Taraval Street*~~	
~~*Union Street*~~	
~~*Upper Fillmore Street*~~	
~~*West Portal Avenue*~~	
~~*NC-2, NCT-2*~~	~~*10,000 sq. ft.*~~
~~*NC-3, NCT-3*~~	
~~*Bayview*~~	
~~*Cortland Avenue*~~	

~~*Divisadero Street*~~	
~~*Excelsior Outer Mission Street*~~	
~~*Fillmore Street*~~	
~~*Folsom Street*~~	
~~*Geary Boulevard*~~	
~~*Hayes Gough*~~	
~~*Inner Balboa Street*~~	
~~*Inner Taraval Street*~~	
~~*Japantown*~~	
~~*Lower Haight Street*~~	
~~*Lower Polk Street*~~	
~~*Mission Bernal*~~	
~~*Mission Street*~~	
~~*Ocean Avenue*~~	
~~*Outer Balboa Street*~~	
~~*Regional Commercial District*~~	
~~*San Bruno Avenue*~~	
~~*SoMa*~~	
~~*Upper Market Street*~~	
~~*Valencia Street*~~	
~~*NC S*~~	~~*Not Applicable*~~

~~*(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. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.***~~

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

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~~***District***~~	~~***Lot Size Limits***~~
~~*Chinatown Community Business*~~	~~*5,000 sq. ft.*~~
~~*Chinatown Residential/Neighborhood Commercial*~~	
~~*Chinatown Visitor Retail*~~	

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

~~*(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 consistent with design features of adjacent facades that contribute to the positive visual quality of the district.*~~

SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON PEDESTRIAN-ORIENTED STREETS.

*** * * ***

(b) **Controls.** Merger of lots is regulated as follows:

~~*(1) **RTO Districts.** In RTO Districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.*~~

(~~*2*~~*1*) **NCT, NC, and Mixed-Use Districts.** In those NCT, NC, and Mixed Use Districts listed below, merger of lots resulting in a lot with a single street frontage greater than that stated in the table below on the specified streets or in the specified Districts is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

(~~*3*~~*2*) **WMUO District.** Merger of lots in the WMUO zoning district resulting in a lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is provided as a result of such merger.

(~~*4*~~*3*) **Mission Street NCT District.** In the Mission Street NCT District, projects that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet

shall provide at least one non-residential space of no more than 2,500 square feet on the ground floor fronting Mission Street.

(~~5~~4) **Ocean Avenue NCT District.** In the Ocean Avenue NCT District, projects that propose lot mergers resulting in street frontages greater than 50 feet are permitted to create corner lots only, and shall require a conditional use authorization.

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SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.

The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks in accord with Section 132(g).

(a) **Basic Requirement.** Where one or both ~~*of the*~~ buildings adjacent to the subject property have front setbacks along a Street or Alley, any building or addition constructed, reconstructed, or relocated on the subject property shall be set back *no less than the depth of the adjacent building with the shortest front setback* ~~*the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building*~~. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an "adjacent

building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building." [Note to publisher: Delete diagram that follows this text].

~~*(b) **Alternative Method of Averaging.** If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to the Street or Alley*~~ [Note to publisher: Delete diagram that follows this text].

(*b*~~c~~) **Method of Measurement.** The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the Street or Alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.

(*c*~~d~~) **Applicability to Special Lot Situations.**

* * * *

(*d*~~e~~) **Maximum Requirements.** The maximum required front setback in any of the cases described in this Section 132 shall be ~~*15*~~ *10* feet from the property line along the Street or Alley*.*~~*, or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement*~~. ~~*Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the*~~

~~*maximum required setback shall be ten feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.*~~ The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

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~~***SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.***~~

~~***(a) General.*** *In order to maintain the continuity of a predominant street wall along the street, setbacks of the upper portion of a building which abuts a public sidewalk may be required of buildings located within the boundaries of the North of Market Residential Special Use District, as shown on Sectional Map 1SUb of the Zoning Map, as a condition of approval of conditional use authorization otherwise required by Section 253 of this Code for building in RC Districts which exceed 50 feet in height.*~~

~~***(b) Procedures.*** *A setback requirement may be imposed in accordance with the provisions set forth below pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code.*~~

~~***(c) Setback Requirement.*** *In order to maintain the continuity of the prevailing streetwall along a street or alley, a setback requirement may be imposed as a condition of approval of an application for conditional use authorization for a building in excess of 50 feet in height, as required by Section 253 of this Code. If the applicant can demonstrate that the prevailing streetwall height on the block on which the proposed project is located, as established by existing cornice lines, is in excess of 50 feet, then the Commission may impose a maximum setback of up to 20 feet applicable to the portion of the building which exceeds the established prevailing streetwall height; provided, however, that if the applicant demonstrates that the prevailing streetwall height is in excess of 68 feet, the maximum*~~

~~*setback requirement which may be imposed is 16 feet. If the applicant can demonstrate that a building without a setback would not disrupt the continuity of the prevailing streetwall along the street, then the Planning Commission may grant approval of the conditional use authorization without imposing a setback requirement as a condition thereof.*~~

SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, AND RED-MX DISTRICTS.

*** * * ***

(c) Basic Requirements. The basic rear yard requirements shall be as follows for the districts indicated:

(1) In RH, RM-1, RM-2, RTO, RTO-M Zoning Districts, the basic rear yard shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

(2) In all other Zoning Districts not listed in subsection (c)(1), the rear yard shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

(d) Rear Yard Location Requirements.

~~***(1) RH-1(D), RH-1, and RH-1(S) Districts.** For buildings that submit a development application on or after January 15, 2019, the minimum rear yard depth shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner Lots and through lots abutting properties with buildings fronting both streets, as described in subsection (f) below. For buildings that submitted a development application prior to January 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on the date of submission.*~~

~~*(2) RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.*~~ ~~*Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.*~~

~~*(A) For buildings containing only SRO Units in the Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in subsection (e) below.*~~

~~*(B) To the extent the lot coverage requirements of Section 249.78 apply to a project, those requirements shall control, rather than the requirements of this Section 134.*~~

(~~*C*~~*1*) **RH**~~*-1(D), RH-1, RH-1(S)*~~**, RM**~~*-3, RM-4*~~**, *RTO,* NC-1, NCT-1, Inner Sunset, Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street, 24th Street-Noe Valley, *Pacific Avenue,* and West Portal Avenue Districts.** Rear yards shall be provided at grade level and at each succeeding level or story of the building.

(~~*D*~~*2*) **NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa Street, Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior-Outer Mission Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street, Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial District and Folsom Street Districts.** Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

* * * *

(~~*E*~~*3*) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU**

Districts. Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units pursuant to Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

(~~F~~4) Upper Market Street NCT. Rear yards shall be provided at the grade level, and at each succeeding story of the building. For buildings in the Upper Market Street NCT that do not contain Residential Uses and that do not abut adjacent lots with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear yard requirement pursuant to the procedures of subsection (h).

(~~G~~5) RED, RED-MX and WMUG Districts. Rear yards shall be provided at the ground level for any building containing a Dwelling Unit, and at each succeeding level or story of the building.

~~*(3) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NC District. The minimum rear yard depth shall be equal to 45% of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by subsection (e) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with buildings fronting on both streets, as described in subsection (f) below.*~~ [Note to publisher: delete diagram that follows this text]

(~~d~~e) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed,

placed, or maintained within any such yard. No motor vehicle, trailer, boat, or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

~~***(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,,2 and RM-2 Districts.*** *The rear yard requirement stated in subsection subsection2 (c)(3) above and as stated in subsection subsection2 (c)(2)(A) above for SRO buildings located in the Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this subsection (e), based upon conditions on adjacent lots. Except for those SRO buildings referenced above in this subsection (e) whose rear yard can be reduced in the circumstances described in subsection (e) to a 15-foot minimum, under no circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.*~~

~~***(1) General Rule.*** *In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.*~~

~~***(2) Alternative Method of Averaging.*** *If, under the rule stated in subsection (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by subsection (e)(1) above times the reduction in depth of rear yard permitted by subsection (e)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.*~~

~~*(3) **Method of Measurement.** For purposes of this subsection (e), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for purposes of the calculations in this subsection (e), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.*~~

~~*(4) **Applicability to Special Lot Situations.** In the following special lot situations, the general rule stated in subsection (e)(1) above shall be applied as provided in this subsection (e)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.*~~ [Note to publisher: delete the three diagrams that follow this text]

~~*(A) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.*~~

~~*(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any*~~

~~*lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the total depth of the subject lot, or 15 feet, whichever is greater.*~~ [Note to publisher: delete the two diagrams that follow this text]

(f) **Second Building on Corner Lots and Through Lots** ~~***Abutting Properties with Buildings Fronting on Both Streets***~~ **in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a Street and an Alley~~*, and where an adjoining lot contains a residential or other lawful structure that fronts at the opposite end of the lot*~~, the subject ~~*through*~~ lot may ~~*also*~~ have two buildings ~~*according to such established pattern*~~, each fronting at one end of the lot, provided that all the other requirements of this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot.~~*, and the depth of the rear wall of each building from the Street or Alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the depth of that building.*~~ In no case shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 30% of the total depth of the subject lot or to less than 15 feet, whichever is greater; provided, however, that the Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4), and provided further that the reduction/waiver is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting on a Narrow Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements

of Section 132 of this Code for front setback areas shall be applicable along both Street or Alley frontages of the subject through lot.

(g) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the rear yard requirements of this Section 134 may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

* * * *

*(h) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to the basic rear yard requirement outlined in Subsection (c) above at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this section are met.*

(1) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(2) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(3) The open area will provide for the access to light and air to and views from adjacent properties.

(4) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this subsection (h) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section 134.

~~*(h) **Modification of Requirements in NC Districts**. The rear yard requirements in NC Districts may be modified or waived in specific situations as described in this subsection (h).*~~

~~*(1) **General.** The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, if all of the following criteria are met:*~~

~~*(A) Residential Uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and*~~

~~*(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and*~~

~~*(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.*~~

~~*(2) **Corner Lots and Lots at Alley Intersections**. On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25% of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this subsection (h)(2) are met.*~~

~~*(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.*~~

~~*(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.*~~

~~*(C) The open area will provide for the access to light and air to and views from adjacent properties.*~~

~~*(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.*~~

~~*The provisions of this subsection (h)(2) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section 134.*~~

(i) **Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts.** The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 329. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified by the Zoning Administrator pursuant to the procedures set forth in Section 307(h) for other projects, provided that:

(1) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;

(2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and

(3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

* * * *

SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

* * * *

(f) **Private Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of *three* ~~*six*~~ feet and a

minimum area of ~~36~~ 27 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** ~~*In order t*~~*T*o be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.

* * * *

(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or *Subparagraph (g)(2) below.* ~~*be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above*~~.

* * * *

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet

in every horizontal dimension and 400 square feet in area~~*; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court*~~. Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.

* * * *

SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.

* * * *

(b) Definitions.

* * * *

(2) **Active Use**. An "active use" shall mean any principal, conditional, or accessory use that by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness *rooms,* ~~*or*~~ community rooms*, laundry rooms, lobbies, mail rooms, or bike rooms*, are considered active uses

only if they meet the intent of this section and ~~*have access*~~ directly *face* ~~*to*~~ the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger.

(D) Public Uses defined in Section 102 are considered active uses except utility installations.

* * * *

SEC. 202.2. LOCATION AND OPERATING CONDITIONS.

* * * *

(f) Residential Uses. The Residential Uses listed below shall be subject to the corresponding conditions:

(1) Senior Housing. ~~*In order to*~~ *To* qualify as Senior Housing, as defined in Section 102 of this Code, the following definitions shall apply and shall have the same meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to time. These definitions shall apply as shall all of the other provisions of Civil Code Sections 51.2, 51.3, and 51.4. Any Senior Housing must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California Government Code Sections 12900-12996.

* * * *

(D) Requirements. ~~*In order to*~~ *To* qualify as Senior Housing, the proposed project must meet all of the following conditions:

* * * *

~~***(iv) Location.** The proposed project must be within a ¼ of a mile from a NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named*~~

~~*Neighborhood Commercial districts, and must be located in an area with adequate access to services, including but not limited to transit, shopping, and medical facilities;*~~

(*i*v) Recording. The project sponsor must record a Notice of Special Restriction with the Assessor-Recorder that states all of the above restrictions and any other conditions that the Planning Commission or Department places on the property; and

(v~~*i*~~) Covenants, Conditions, and Restrictions. If the property will be condominiumized, the project sponsor must provide the Planning Department with a copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

* * * *

SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ALL DISTRICTS.

No use shall be permitted as an accessory use to a dwelling unit in any District that involves or requires any of the following:

(a) Any construction features or alterations not residential in character;

(b) The use of more than one-third of the total floor area of the dwelling unit, except in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined by Section 102;

(c) The employment of *more than two people who do* ~~*any person*~~ not reside~~*nt*~~ in the dwelling unit, *excluding* ~~*other than*~~ a domestic servant, gardener, *or* janitor~~*, or other person concerned in the operation or maintenance of the dwelling unit except in the case of a Cottage Food Operation, which allows the employment of one employee, not including a family member or household members of the Cottage Food Operation*~~;

*** * * ***

SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO PROGRAM.

*** * * ***

(c) HOME-SF Project Eligibility Requirements. To receive the development bonuses granted under this Section 206.3, a HOME-SF Project must meet all of the following requirements:

(1) Except as limited in application by subsection (f): Provide 30% of units in the HOME-SF Project as HOME-SF Units, as defined herein. The HOME-SF Units shall be restricted for the Life of the Project and shall comply with all of the requirements of the Procedures Manual authorized in Section 415 except as otherwise provided herein. Twelve percent of HOME-SF Units that are Owned Units shall have an average affordable purchase price set at 80% of Area Median Income; 9% shall have an average affordable purchase price set at 105% of Area Median Income; and 9% shall have an average affordable purchase price set at 130% of Area Median Income. Twelve percent of HOME-SF Units that are rental units shall have an average affordable rent set at 55% of Area Median Income; 9% shall have an average affordable rent set at 80% of Area Median Income; and 9% shall have an average affordable rent set at 110% of Area Median Income. All HOME-SF Units must be marketed at a price that is at least 20% less than the current market rate for that unit size and neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in order to maintain such pricing. As provided for in subsection (e), the Planning Department and MOHCD shall amend the Procedures Manual to provide policies and procedures for the implementation, including monitoring and enforcement, of the HOME-SF Units;

~~*(2) Demonstrate to the satisfaction of the Environmental Review Officer that the HOME-SF Project does not:*~~

~~*(A) cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5;*~~

~~*(B) create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas; and*~~

~~*(C) alter wind in a manner that substantially affects public areas;*~~

(~~*3*~~*2*) All HOME-SF units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition, notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three bedroom units, or (B) any unit mix which includes some three bedroom or larger units such that 50% of all bedrooms within the HOME-SF Project are provided in units with more than one bedroom. Larger units should be distributed on all floors, and prioritized in spaces adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to incorporate family friendly amenities. Family friendly amenities shall include, but are not limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space and yards designed for use by children. HOME-SF Projects are not eligible to modify this requirement under Planning Code Section 328 or any other provision of this Code;

(~~*4*~~*3*) Does not demolish, remove or convert ~~*any*~~ *more than one* residential unit~~*s*~~; and

(~~*5*~~*4*) Includes at the ground floor level active uses, as defined in Section 145.1, at the same square footages as any neighborhood commercial uses demolished or removed, unless the Planning Commission has granted an exception under Section 328.

*** * * ***

SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.

* * * *

(c) **Development Bonuses**. Any Individually Requested Density Bonus Project shall, at the project sponsor's request, receive any or all of the following:

* * * *

(3) **Request for Concessions and Incentives**. In submitting a request for Concessions or Incentives that are not specified in Section 206.5(c)(4), an applicant for an Individually Requested Density Bonus Project must provide documentation described in subsection (d) below in its application. *Provided that the Planning Commission delegates authority to review and approve applications for Individually Requested Density Bonus projects, t*~~*T*~~he Planning *Director* ~~*Commission shall hold a hearing and*~~ shall approve the Concession or Incentive requested unless ~~*it*~~ *the Director* makes written findings, based on substantial evidence that:

* * * *

(e) **Review Procedures**. An application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application other permits related to the Housing Project. *Except as provided in Section 317, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlements related to the proposed housing, such as a Conditional Use Authorization or a Large Project Authorization.*

(1) Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning *Director* ~~*Commission*~~ shall make the following findings as applicable.

* * * *

(2) If the findings required by subsection (~~*a*~~*e)(1)* of this Section cannot be made, the Planning ~~*Commission*~~ *Director* may deny an application for a Concession, Incentive, waiver or modification only if ~~*it*~~ *the Director* makes one of the following written findings, supported by substantial evidence:

* * * *

SEC. 207. DWELLING UNIT DENSITY LIMITS.

*** * * ***

(c) **Exceptions to Dwelling Unit Density Limits.** An exception to the calculations under this Section 207 shall be made in the following circumstances:

*** * * ***

(3) Double Density for Senior Housing in RH, RM, RC, and NC Districts. Senior Housing, as defined in and meeting all the criteria and conditions defined in Section 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the District.

~~*(A) Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, and located in an area with adequate access to services including but not limited to transit, shopping and medical facilities, shall be principally permitted.*~~

~~*(B) Projects in RH and RM Districts located more than one-quarter of a mile from an RC or NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, shall require Conditional Use authorization.*~~

*** * * ***

(8) Residential Density Exception in RH Districts.

(A) Density Exception. Projects located in RH Districts that are not seeking or receiving a density bonus under the provisions of Planning Code Sections 206.5 or 206.6 shall receive an exception from residential density limits *in the following amounts* ~~*for up to four dwelling units per lot, excluding Corner Lots, or up to six dwelling units per lot in Corner Lots,*~~ not inclusive of any Accessory Dwelling Units as permitted under

this Section 207, provided that the *project* ~~*dwelling units*~~ meet*s* the requirements set forth in this subsection (c)(8).

(i) Up to four units per lot, excluding Corner Lots.

(ii) Up to six units for Corner Lots

(iii) Up to one Group Housing Room per 415 sq. ft. of lot area in RH-1, RH-1(D), and RH-1(S) zoning districts.

(B) Eligibility of Historic Resources. To receive the density exception authorized under this subsection (c)(8), a project must demonstrate to the satisfaction of the Environmental Review Officer that it does not cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5, as may be amended from time to time. Permit fees for pre-application Historic Resource Assessments shall be waived for property owners who apply to obtain a density exception under this subsection (c)(8), if they sign an affidavit stating their intent to reside on the property for a period of three years after the issuance of the Certificate of Final Completion and Occupancy for the new dwelling units. Permit fees for Historic Resource Determinations shall not be waived.

(C) Applicable Standards. ~~*Projects utilizing the density exception of this subsection (c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of the greater of 30% of lot depth or 15 feet.*~~ All ~~*other*~~ building standards shall apply in accordance with the applicable zoning district as set forth in Section 209.1.

(D) Unit Replacement Requirements. Projects utilizing the density exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to produce at least as many dwelling units as the projects would demolish; to replace all protected units; and to offer existing occupants of any protected units

that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein. *In the case of Group Housing, projects utilizing this density exception shall provide at least as many bedrooms as the project would demolish.*

(E) Applicability of Rent Ordinance; Regulatory Agreements. Project sponsors of projects utilizing the density exception of this subsection (c)(8) shall enter into a regulatory agreement with the City, subjecting the new units *or Group Housing rooms* created pursuant to the exception to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code), as a condition of approval of the density exception ("Regulatory Agreement"). At a minimum, the Regulatory Agreement shall contain the following: (i) a statement that the new units created pursuant to the density exception are not subject to the Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 *et seq.*) because, under Section 1954.52(b), the property owner has entered into and agreed to the terms of this agreement with the City in consideration of an exception from residential density limits of up to four dwelling units per lot, or up to six units per lot in Corner Lots, or other direct financial contribution or other form of assistance specified in California Government Code Sections 65915 *et seq.*; (ii) a description of the exception of residential density or other direct financial contribution or form of assistance provided to the property owner; and (iii) a description of the remedies for breach of the agreement and other provisions to ensure implementation and compliance with the agreement. The property owner and the Planning Director (or the Director's designee), on behalf of the City, will execute the Regulatory Agreement, which shall be reviewed and approved by the City Attorney's Office. The Regulatory Agreement shall be executed prior to the City's issuance of the First Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco Building Code. Following execution of the Regulatory Agreement by all parties and approval by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded

to the title records in the Office of the Assessor-Recorder against the property and shall be binding on all future owners and successors in interest.

(F) Unit Sizes. At least one of the dwelling units resulting from the density exception shall have two or more bedrooms or shall have a square footage equal to no less than 1/3 of the floor area of the largest unit on the lot. *This provision does not apply to projects where all of the units qualify as Group Housing.*

~~*(G) **Eligibility.** To receive the density exception authorized under this subsection (c)(8), property owners must demonstrate that they have owned the lot for which they are seeking the density exception for a minimum of one year prior to the time of the submittal of their application. For the purposes of establishing eligibility to receive a density exception according to subsection (c)(8)(B), a property owner who has inherited the subject lot, including any inheritance in or through a trust, from a blood, adoptive, or step family relationship, specifically from either (i) a grandparent, parent, sibling, child, or grandchild, or (ii) the spouse or registered domestic partner of such relations, or (iii) the property owner's spouse or registered domestic partner (each an "Eligible Predecessor"), may add an Eligible Predecessor's duration of ownership of the subject lot to the property owner's duration of ownership of the same lot.*~~

(~~H~~G) Annual Report on Housing Affordability, Racial Equity, and Language Access Goals. To help the City evaluate whether the implementation of this Section 207(c)(8) comports with the City's housing affordability, racial equity, and language access goals, each year the Planning Department, in consultation with other City departments including the Department of Building Inspection, the Rent Board, and the Office of the Assessor-Recorder, shall prepare a report addressing the characteristics and demographics of the applicants to and participants in the program established in said section; the number of units permitted and constructed through this program; the geographic distribution, affordability, and construction costs of those units; and the number of tenants that vacated or

were evicted from properties as a result of the permitting or construction of units through this program ("Affordability and Equity Report"). The Affordability and Equity Report shall be included and identified in the annual Housing Inventory Report. The Planning Department shall prepare the report utilizing applicant data that has been provided by program applicants voluntarily and anonymously, and separate from the submittal of an application for a density exception. An applicant's decision to provide or decline to provide the information requested by the Planning Department in order to prepare the report shall have no bearing on the applicant's receipt of a density exception.

* * * *

SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.

* * * *

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	**§ References**	**RH-1(D)**	**RH-1**	**RH-1(S)**	**RH-2**	**RH-3**
BUILDING STANDARDS						
Massing and Setbacks						
* * * *						
Front Setback	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than ~~15~~ *10* feet.				

~~*Rear Yard (10)*~~	~~*§§ 130, 134*~~	~~*30% of lot depth, but in no case less than 15 feet.*~~			~~*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.*~~	
Rear Yard	*§§ 130, 134*	*30% of lot depth. but in no case less than 15 feet.*				
* * * *						
Miscellaneous						
~~*Large Project Review*~~	~~*§ 253*~~	~~*C required for projects over 40 feet in height.*~~				
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units (6) (11)	§§ 102, 207	*P up to one* ~~*One*~~ unit per lot~~.~~*, or one unit per 3,000 square feet of lot area, with no more than three units per lot.*	P up to one unit per lot~~.~~*, or* ~~*C*~~ up to one unit per 3,000 square feet of lot area~~,~~ ~~*with no more than three units per lot*~~.	P up to two units per lot, if the second unit is 600 sq. ft. or less~~.~~*, or* ~~*C*~~ up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot~~.~~*, or* ~~*C*~~ up to one unit per 1,500 square feet of lot area.	P up to three units per lot~~.~~*, or* ~~*C*~~ up to one unit per 1,000 square feet of lot area.
* * * *						

Residential Density, Group Housing	§ 208	NP*(10)*	NP*(10)*	NP*(10)*	~~*C*~~*P*, up to one bedroom for every 415 square feet of lot area.	~~*C*~~*P*, up to one bedroom for every 275 square feet of lot area.
Homeless Shelter	§§ 102, 208	~~*N*~~*P*	~~*N*~~*P*	~~*N*~~*P*	~~*C*~~*P*	~~*C*~~*P*
* * * *						

(10) ~~*Projects utilizing the density exception of Section 207(c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of 30% of lot depth, but in no case less than 15 feet.*~~ *Group Housing permitted at one room per 415 sq. ft. of lot area according to the provisions in Planning Code Section 207(c)(8).*

*** * * ***

SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

*** * * ***

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	**§ References**	**RM-1**	**RM-2**	**RM-3**	**RM-4**
BUILDING STANDARDS					
Massing and Setbacks					
* * * *					
Front Setback	§§ 130, 131, 132	Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent			

		properties, in no case shall the required setback be greater than ~~*15*~~ *10* feet.	
Rear Yard	§§ 130, 134	~~*45*~~*30*% of lot depth *but in no case less than 15 feet.*~~*or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.*~~	25% of lot depth, but in no case less than 15 feet.
*** * * ***			
Miscellaneous			
~~*Large Project Review*~~	~~*§ 253*~~	~~*C required for buildings over 50 feet in height.*~~	

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

*** * * ***

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	**§ References**	**RC-3**	**RC-4**
BUILDING STANDARDS			
Massing and Setbacks			
*** * * ***			

~~*Upper Floor Setbacks*~~	~~*§§ 132.2, 253.2*~~	~~*Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2).*~~	
* * * *			
Miscellaneous			
~~*Large Project Review Buildings Over 50 Feet in Height*~~	~~*§ 253*~~	~~*C*~~	~~*C Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)*~~
* * * *			

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

* * * *

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	**§ References**	**RTO**	**RTO-M**
BUILDING STANDARDS			
Massing and Setbacks			
* * * *			
Rear Yard	§§ 130, 134	~~*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25%*~~ *30%* of lot depth *but in*	

		no case less than 15 feet ~~*or 15 feet, whichever is greater*~~*.*
* * * *		
Miscellaneous		
* * * *		
~~*Restriction of Lot Mergers*~~	~~*§ 121.7*~~	~~*Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.*~~
* * * *		

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	***§ References***	***PDR-1-B***	***PDR-1-D***	***PDR-1-G***	***PDR-2***
* * * *					
RESIDENTIAL STANDARDS AND USES					
* * * *					
Residential Uses					
* * * *					
Homeless Shelter	§§ 102, 208	~~*C (19)*~~*P*	~~*C (19)*~~*P*	~~*C (19)*~~*P*	~~*C (19)*~~*P*

* * * *

~~*(19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent. Otherwise, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day to day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.*~~

~~***SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC DISTRICTS.***~~

~~*(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front façade is subject to the conditional use requirement.*~~

~~*(b) **Commission Review of Proposals.***~~

~~*(1) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.*~~

~~*(2) In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.*~~

~~***SEC. 253.1. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.***~~

~~*(a) In the 65-A-1 Height and Bulk District, as designated on Sectional Map HT-01 of the Zoning Map, any new or expanding building or structure exceeding 40 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. The height of the building or structure so approved by the Planning Commission shall not exceed 65 feet.*~~

~~*(b) In authorizing any such proposal for a building or structure exceeding 40 feet in height, the City Planning Commission shall find, in addition to the criteria of Section 303(c), that the proposal is consistent with the expressed purposes of this Code, of the Broadway Neighborhood Commercial District, and of the height and bulk districts, set forth in Sections 101, 714, and 251 of this Code, and that the following criteria are met:*~~

~~*(1) The height of the new or expanding development will be compatible with the individual neighborhood character and the height and scale of the adjacent buildings.*~~

~~*(2) The height and bulk of the new or expanding development will be designed to allow maximum sun access to nearby parks, plazas, and major pedestrian corridors.*~~

~~*(3) The architectural and cultural character and features of existing buildings shall be preserved and enhanced. The Historic Preservation Commission or its staff shall review any proposed alteration of historic resources and must determine that such alterations comply with the Secretary of Interior's Standards for the Treatment of Historic Properties before the City approves any permits to alter such buildings. For purposes of this section, "historic resources" shall include Article 10 Landmarks and buildings located within Article 10 Historic Districts, buildings and districts identified in surveys adopted by the City, buildings listed or potentially eligible for individual listing on the National or California Registers, and buildings located within listed or potentially eligible National Register or California Register historic districts. The Planning Department shall also consult materials available through the California Historical Resources Information System (CHRIS) and Inventory to determine eligibility.*~~

~~***SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN NESS SPECIAL USE DISTRICT.***~~

~~*(a) **Setbacks**. In the Van Ness Special Use District, as designated on Sectional Map 2SU of the Zoning Map, any new construction exceeding 50 feet in height or any alteration that would cause a structure to exceed 50 feet in height shall be permitted only as a conditional use upon approval by the Planning Commission according to Section 303 of this Code. When acting on any conditional use application pursuant to this Section, the City Planning Commission may impose the following requirements in addition to any others deemed appropriate:*~~

~~*(1) **On Van Ness Avenue**. The Planning Commission may require a setback of up to 20 feet at a height of 50 feet or above for all or portions of a building if it determines that this requirement is necessary in order to maintain the continuity of the prevailing street wall height established by the existing buildings along Van Ness Avenue within two blocks of the proposed building.*~~

~~*(2) **On Pine, Sacramento, Clay, Washington and California Streets**. The Planning Commission may require a setback of up to 15 feet for all or a portion of a building on any lot abutting Pine, Sacramento, Clay, California and Washington Streets which lot is located within the Van Ness Special Use District in order to preserve the existing view corridors.*~~

~~*(3) **On Narrow Streets and Alleys**. The Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights of way 40 feet in width or narrower) and alleys.*~~

~~***SEC. 253.3. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES ABOVE 26 FEET NOT EXCEEDING 40 FEET IN THE NC S/LAKESHORE PLAZA SPECIAL USE DISTRICT.***~~

~~*(a) In the 26-40 X Height and Bulk District, as designated on Sectional Map HT13 of the Zoning Map, any new or expanding building or structure exceeding 26 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. The height of any building or structure so approved by the Planning Commission shall not exceed 40 feet.*~~

~~*(b) In authorizing any such proposal for a building or structure exceeding 26 feet in height, the Planning Commission shall find that, in addition to the criteria of Section 303(c), the proposal is consistent with the expressed purposes of this Code, the NC-S District, the Lakeshore Plaza Special Use District, and the height and bulk districts as set forth respectively in Sections 101, 713, 780 and 251 of this Code.*~~

SEC. 305.1. REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL USES.

* * * *

(d) ~~***Request for***~~ **Administrative** ***Review*** ~~***Reasonable Modification – No Hearing***~~. ~~*In an effort to*~~ *To* expedite the processing and resolution of reasonable modification requests, any request *under Section 305.1* ~~*that is consistent with the criteria in this section*~~ may receive administrative review and approval *and* ~~*. Requests for modifications that meet the requirements for administrative review*~~ do*es* not require public notice under Section 306 of this Code.

~~*(1) **Parking, Where No Physical Structure Is Proposed.** One parking space may be considered for an administrative reasonable modification provided that the parking space is necessary to achieve the accommodation and that property does not already include a parking space. Exceptions may be considered from rear yard and the front setback requirements if necessary to accommodate the parking space. In reviewing an administrative reasonable modification request for parking, the Zoning Administrator is authorized to allow the parking space for up to five years, at the end of which period the applicant may renew the temporary use for additional five year periods.*~~

~~*(2) **Access Ramps.** One or more access ramps, defined in Building Code Section 1114A may be considered for an administrative reasonable modification provided that the access ramp is designed and constructed to meet the accessibility provisions in either the California Building Code or the California Historical Building Code and is easily removable when the ramp(s) are no longer needed for the requested modification.*~~

~~*(3) **Elevators.** One elevator, with dimensions defined in Building Code Section 1124A, may be considered for an administrative reasonable modification provided that the elevator structure is not visible from the public right of way and is set back a minimum of 10 feet from the property line, and that the elevator is necessary to access residential uses of the building and to achieve the accommodation requested.*~~

~~*(4) **Additional Habitable Space.** Additional habitable space may be considered for an administrative reasonable modification provided that the additional habitable space does not result in the addition of a new dwelling unit or require expansion beyond the permitted building envelope.*~~

~~*(e) **All Other Requests for Reasonable Modification – Zoning Administrator Review and Approval.***~~

~~*(1) **Standard Variance Procedure – With Hearing.** Requests for reasonable modifications that do not fall within subsection (d) shall be considered by the Zoning Administrator, who will make the final decision through the existing variance process described in Section 305.*~~

~~*(2) **Public Notice of a Request for Reasonable Modification.** Notice for reasonable modifications that fall with subsection (e)(1) are subject to the notice requirements of Section 333 of this Code. If the request for reasonable modification is part of a larger application, then the noticing can be combined.*~~

*** * * ***

SEC. 311. PERMIT REVIEW PROCEDURES.

* * * *

(b) Applicability. Except as indicated in this subsection (b), all building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use; establishment of a Micro Wireless Telecommunications Services Facility; establishment of a Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal of an authorized or unauthorized residential unit, shall be subject to the notification and review procedures required by this Section 311. In addition, with the exception of Grandfathered MCDs converting to Cannabis Retail use pursuant to Section 190(a), all building permit applications that would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the notification and review

procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the review or notice requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to change any existing Automotive Use to an Electric Vehicle Charging Location shall not be subject to the review or notification requirements of this Section 311. *Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to demolish, construct, or alter Dwelling Units in the Priority Equity Geographies Special Use District shall be subject to the review or notification requirements of this Section 311.*

* * * *

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

* * * *

SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER, AND CONVERSION.

* * * *

(c) **Applicability; Exemptions.**

(1) *Within the Priority Equity Geographies Special Use District, ~~A~~a*ny application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization.

(2) Outside the Priority Equity Geographies Special Use District, any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization unless it meets all the following criteria:

(A) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within last 5 years;

(B) No more than two units that are required to be replaced per subsection (E) below would be removed or demolished;

(C) The building proposed for demolition is not an Historic Building as defined in Section 102;

(D) The proposed project is adding at least one more unit than would be demolished; and,

(E) The project complies with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to replace all protected units, and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein.

(*3~~1~~*) For Unauthorized Units, this Conditional Use authorization will not be required for Removal if the Zoning Administrator has determined in writing that the unit cannot be legalized under any applicable provision of this Code. The application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.

(*4~~2~~*) The Conditional Use requirement of Subsection*s* (c)(1) *and (c)(2)* shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March 1, 2016 that has been suspended by the City or in which the applicant's rights have not vested.

(*5~~3~~*) The Removal of a Residential Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through a Discretionary Review or Conditional Use authorization prior to the effective date of the Conditional Use requirement of Subsection*s* (c)(1) *or (c)(2)* is not required to apply for an additional approval under *this Section. ~~Subsection (c)(1).~~*

(*6~~4~~*) ***Exemptions for Unauthorized Dwelling Units.*** The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to Subsection*s* (c)(1) *or (c)(2)* if the Department of Building Inspection has determined that there is no path for legalization under Section 106A.3.1.3 of the Building Code.

(*7~~5~~*) ***Exemptions for Single-Family Residential Buildings.*** The Demolition of a Single-Family Residential Building that meets the requirements of Subsection (d)(3) below may be approved by the Department without requiring a Conditional Use authorization *pursuant to in Subsection (c)(1) or (c)(2)*.

(*8~~6~~*) **Exception for Certain Permits Filed Before February 11, 2020.** An application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D) District that is demonstrably not affordable or financially accessible housing, meaning housing

that has a value greater than 80% than the combined land and structure values of single-family homes in San Francisco as determined by a credible appraisal made within six months of the application to demolish, is exempt from the Conditional Use authorization requirement of Subsections (c)(1) *or (c)(2)*, provided that a complete Development Application was submitted prior to February 11, 2020.

* * * *

SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS.

*** * * ***

(b) Waiver or Reduction, Based on Housing Affordability.

(1) An affordable housing unit shall receive a waiver from the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the Transportation Sustainability Fee, the Residential Child Care Impact Fee, the Central South of Market Infrastructure Impact Fee, and the Central South of Market Community Facilities Fee if the affordable housing unit:

(A) is affordable to a household *earning up to 120%* ~~*at or below 80%*~~ of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;

(B) will maintain its affordability for a term of no less than 55 years, as evidenced by a restrictive covenant recorded on the property's title; and

(C) the Project sponsor demonstrates to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

~~*(B) is subsidized, MOHCD, the San Francisco Housing Authority, the Department of Homelessness and Supportive Housing, and/or the Office of Community Investment and Infrastructure or any future successor agency to those listed herein; and*~~

~~*(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.*~~

*** * * ***

(5) This waiver clause shall not be applied to units built as part of a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, Sections 415 or 419 of this Code ~~*or any units that trigger a Density Bonus under California Government Code Sections 65915-65918*~~.

*** * * ***

SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

*** * * ***

Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

		NC-1
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		

Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 4,999 square feet; C 5,000 square feet and above*~~
* * * *		

*** * * ***

SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

ZONING CONTROL TABLE

		NC-2
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 9,999 square feet; C 10,000 square feet and above*~~
* * * *		

SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

*** * * ***

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT

NC-S

ZONING CONTROL TABLE

		NC-S
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.3,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies, but generally 40-X. ~~*Lakeshore Plaza SUD requires C for buildings above 26 feet (1).*~~ See Height and Bulk Map Sheets HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Broadway NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		

Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.1,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	40-X and 65-A. ~~*In 65-A Districts, P up to 40 ft., C 40 to 65 feet*~~ See Height and Bulk Map Sheet HT01 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

		Mission Street NCT
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		

Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.4,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies. See Height and Bulk Map Sheet HT07 for more information. ~~*Buildings above 65 feet require C.*~~ Height sculpting required on Alleys per § 261.1.
*** * * ***		

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		Chinatown Community Business District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§ 121.3*~~	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)*~~
* * * *		

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

		Chinatown Visitor Retail District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§ 121.3*~~	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above*~~
* * * *		

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

		Chinatown Residential Neighborhood Commercial District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		

Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§ 121.3*~~	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above*~~
* * * *		

Section 4. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 714, 715, 716, 717, 718, 719, 724, 725, 727, 728, 729, 730, 742, 750, 756, 763, are hereby amended identically to the amendment of Zoning Control Table 710 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development) as follows:

*** * * ***

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 4,999 square feet; C 5,000 square feet and above*~~
* * * *		

Section 5. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 712, 720, 721, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 743, 744, 745, 751,

752, 753, 754, 755, 757, 758, 759, 760, 761, 762, 764, are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development), as follows:

* * * *

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 9,999 square feet; C 10,000 square feet and above*~~
* * * *		

Section 6. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12, SU13 of the Zoning Map of the City and County of San Francisco are hereby amended, as follows:

Description of Property	Special Use District Hereby Approved
Starting at the southwestern corner of the City and County of San Francisco heading north along the Pacific Ocean to Sloat Blvd.;	Priority Equity Geographies Special Use District

Sloat Blvd. to Skyline Blvd.; Skyline Blvd. to Lake Merced Blvd.; Lake Merced Blvd. to Middlefield Rd.; Middlefield Rd. to Eucalyptus Dr.; Eucalyptus Dr. to 19th Ave.; 19th Ave. to Junipero Serra Blvd.; Junipero Serra Blvd to Holloway Ave.; Holloway Ave. to Ashton Ave; Ashton Ave to Ocean Ave; Ocean Ave to Mission St; Mission St. to Avalon Ave.; Avalon Ave. to Vienna St.; Vienna St. to Excelsior Ave.; Excelsior Ave. to Prague St.; a straight line from Prague St. through McLaren Park to Burrows St.; Burrows St. to Madison St.; Madison St. to Silver Ave.; Silver Ave. to Mission St.; Mission St. to Alemany Blvd.; the northern most portion of Alemany Blvd until Industrial St.; Industrial St. to Oakdale Ave.; Oakdale Ave. to Phelps St.; Phelps St. to Jerrold Ave.; Jerrold Ave to 3rd St.; 3rd St. to Evans Ave.; Evans Ave. to Newhall St.; Newhall St. to Fairfax Ave.; Fairfax Ave. to Keith St.; Keith St. to Evans Ave.; Evan Ave. to Jennings St.; A straight line along Jennings St. to the shoreline; following the shoreline south until Arelious Walker Dr.; Arelious	

Walker Dr. to Gilman Ave.; Gilman Ave. to Bill Walsh Way; Bill Walsh Way to Ingerson Ave.; Ingerson Ave. to Griffith St.; Griffith St. to Jamestown Ave.; Jamestown Ave. to 3rd. St.; 3rd St. to Bayshore Blvd.; Bayshore Blvd. to southernmost boundary of the City and County of San Francisco. The above area shall exclude the following area: Starting at the intersection of Harvard St. and Burrow St. heading east to Cambridge St.; Cambridge St. to Felton St.; Felton St. to Hamilton St.; Hamilton St. to Woolsey St.; Woolsey St. to Goettingen St.; Goettingen St. to Mansell St.; Mansell St. to University St.; University St. to Wayland St.; Wayland St. to Yale St.; Yale St. to Mc. Laren Park; a straight line from Yale St. to Cambridge St.; Cambridge St. to Wayland St.; Wayland St. to Oxford St.; Oxford St. to Bacon St.; Bacon St. to Harvard St.; Harvard St. to Burrows St. Starting on Cesar Chavez St. at the intersection of Valencia Street, heading eastward to Harrison St.; Harrison St. to 23rd St.; 23rd St. to Highway 101; following	

Highway 101 south to Cesar Chaves St.; Cesar Chavez St. to Vermont St.; Vermont St. to 26th St.; 26th St. to Connecticut St.; Connecticut St. to 25th St.; 25th St. to Highway 280; following Highway 280 north to 20th St.; 20th St. to Arkansas St.; Arkansas St. to 22nd St.; 22nd St to the western side of Highway 101; following the western side of Highway 101 north to 17th St.; 17th St. to Vermont St.; Vermont St. to Division St.; Division St. to Townsend St.; Townsend St. to 6th St.; 6th St. to Brannan St.; Brannan St. to 5th St.; 5th St. to Townsend St.; Townsend St. to 3rd St.; 3rd St. to Howard St.; Howard St. to 4th St.; 4th St. to Market St.; Market St. to Drum St.; Drum St. to Sacramento St.; Sacramento St. to Battery St.; Battery St. to Pacific St.; Pacific St. to Sansome St.; Sansome St. to Vallejo St.; Vallejo St. to Kearny St.; Kearny St. to Filbert St.; Filbert St. to Columbus Ave.; Columbus Ave. to Mason St.; Mason St. to Washington St.; Washington St. to Powell St.; Powell St. to California St.; California St. to Stockton St.; Stockton St. to	

Bush St.; Bush St. to Van Ness Ave.; Van Ness Ave. to O'Farrell St./Starr King Way; Starr King Way to Gough St.; Gough St. to Sutter St.; Sutter St. to Baker St.; Baker St. to St Joseph's Ave.; St. Joseph's Ave. to Turk Blvd.; Turk Blvd. to Scott St.; Scott St. to McAllister St.; McAllister St. to Steiner St.; Steiner St. to Fulton St.; Fulton St. to Gough St.; Gough St. to McAllister St.; Mc Allister St. to Van Ness Ave.; Van Ness Ave. to Market St.; Market St. to Dolores St.; Dolores St. to 17th St.; 17th St. to Valencia St.; Valencia St. to Cesar Chavez St. Starting on Chestnut St. at the intersection of Columbus, heading eastward to the Embarcadero; The Embarcadero to Taylor St.; Taylor St. to Jefferson St.; Jefferson St. to Leavenworth St.; Leavenworth St. to North Point St.; North Point St. to Columbus St.; Columbus St. to Chestnut St.	

Section 7. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 8. 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/
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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FILE NO. 230446

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Housing Production]

Ordinance amending the Planning Code to encourage housing production, by 1) streamlining construction of housing citywide, but outside of Priority Equity Geographies, as defined; 2) streamlining development of housing on large lots 3) allowing construction of buildings to the allowable height limit; 4) streamlining review of State Density Bonus projects; 5) streamlining construction of additional units in lower density zoning districts; 6) streamlining process for senior housing; 7) exempting certain affordable housing projects from development fees; 8) amending rear yard, front setback, lot frontage and minimum lot size requirements; 9) amending residential open space requirements; 10) allowing additional uses on the ground floor in residential buildings; 11) allowing homeless shelters and group housing in residential districts; 12) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; and 13) allowing administrative review of reasonable accommodations; amending the Zoning Map to create 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 sets forth different zoning districts throughout the City, where different uses are permitted, conditionally permitted, or prohibited, and where various controls (such as height, bulk, setbacks, etc.) apply. It also contains permit application, noticing, and hearing requirements, as well as appeal procedures, as applicable, for different permits and entitlements.

The Zoning Map is a component of the Planning Code, and it contains maps and figures that depict zoning regulations spatially, showing how land can be used in areas of San Francisco called "zoning districts" (also known as "zones" or "use districts").

Amendments to Current Law

This ordinance amends the Planning Code to implement a series of process reforms with the goal to encourage housing production. For instance:

- The ordinance exempts housing demolition Citywide, but outside of Priority Equity Geographies, from the currently existing Conditional Use (CU) authorization requirement, if some conditions are met. Priority Equity Geographies are areas that have been identified in the San Francisco Department of Public Health's Community Health Needs Assessment as Areas of Vulnerability. The ordinance maps the Priority Equity Geographies in a Special Use District (SUD).
- It exempts expansion and new construction projects from neighborhood notice in areas outside of the Priority Equity Geographies SUD.
- It deletes the Planning Code requirement for a CU authorization for large lot developments (usually 10,000 sq. ft. or greater).
- It deletes the CU authorization requirement for projects to exceed a specified height in certain districts, even if the height limit allows for a greater height. By removing the CU requirement, the ordinance allows construction of buildings to the permitted height limit.
- It provides that if the Planning Commission delegates approval authority to the Planning Director, State Density Bonus (SDB) projects can be approved without a Commission hearing, regardless of any other requirements in the Planning Code.
- It allows construction of more units than currently principally permitted in larger lots in residential (RH-1, RH-2, and RH-3) districts, based on the lot area, removing the current CU requirement.
- It deletes the requirement that in order for senior housing projects to take advantage of double density allowances, they must be located within a quarter mile of a mid-sized Neighborhood Commercial District, or obtain a CU authorization.
- It expands development fee waivers to apply to 100% affordable housing projects with units affordable to up to 120% of the Area Medium Income, regardless of the funding source, and to 100% affordable SDB projects.
- It reduces and standardizes rear yard, front setback, lot frontage, and minimum lot size requirements.
- It simplifies residential open space requirements.
- It allows additional uses on the ground floor in residential buildings.
- It makes homeless shelters and group housing permitted in residential districts.
- It expands the eligibility for the Housing Opportunities Mean Equity – San Francisco (HOME – SF) program and density exceptions in residential districts, by removing some of the applicability thresholds for each of these programs.
- It allows for administrative review of reasonable accommodations.

The ordinance also amends the Zoning Map, to create the Priority Equity Geographies SUD.

Background Information

The ordinance contains findings explaining its intent to implement the 2022 Housing Element Update.

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Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place

(415) 554-6446
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YOUTH COMMISSION
MEMORANDUM

TO: **John Carroll, Assistant Clerk**
Myrna Melgar, District 7 Supervisor

CC: Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Jen Low, District 7 Legislative Aide

FROM: 2023-2024 San Francisco Youth Commission

DATE: Monday, December 4, 2023

RE: SUBJECT: YOUTH COMMISSION REFERRED LEGISLATION BOS FILE # 230446

At its in-person meeting on Monday, December 4, 2023 took the following action on BOS FILE # 230446:

- Motion to Support Referred Legislation BOS File # 230446 [Planning and Subdivision Codes, Zoning Map - Housing Production] **Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density**

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Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; 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.

- The San Francisco Youth Commission recognizes the importance of this topic and supports it. Below are comments the commission has on the topic:
    - The commission recognizes that increasing density is important, especially for future residents of San Francisco and this is the type of legislation the City needs to be able to have housing for their generation, and that this is just one piece of a bigger puzzle that will be necessary to expand housing production.
    - The commission recognizes the need to focus on family neighborhoods and access to housing.

***

Please do not hesitate to contact Youth Commissioners or Youth Commission staff (415) 554- 6446 with any questions. Thank you.