

REVISED LEGISLATIVE DIGEST
(Amended in Committee – February 26, 2024)

[Planning Code, Zoning Map - Family and Senior Housing Opportunity Special Use District]

Ordinance amending the Planning Code to change the title of the Family Housing Opportunity Special Use District to the Family and Senior Housing Opportunity Special Use District (“SUD”); authorize within the SUD the greater of up to six units per lot or one unit per 1,000 square feet of lot area on individual Corner Lots in RH (Residential House) Districts, the greater of up to 18 units per lot or one unit per 1,000 square feet of lot area on Corner Lots resulting from three lot mergers in RH-1 districts, and the greater of up to 12 units per lot or one unit per 1,000 square feet of lot area on Corner Lots resulting from two lot mergers in RH-1 districts; extend various development and streamlining benefits, including lot merger benefits, to RM-1 (Residential, Mixed), RH-2, and RH-3 Districts within the area of the SUD bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard; and refine project eligibility criteria in the SUD; amending the Zoning Map to reflect the renamed Family and Senior Housing Special Use District; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

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

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

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

Planning Code Section 249.94 (“the Family Housing Opportunity Special Use District” or “the SUD”) provides streamlining and development benefits (including density exceptions) to qualifying projects in RH districts within the SUD. Project sponsors may construct up to 4 units on a single lot, the greater of one unit per 1,000 square feet of lot area or up to 8 units on two merged lots, or the greater of one unit per 1,000 square feet of lot area or up to 12 units on three merged lots. The boundaries of the SUD are generally coterminous with the Well-Resourced Neighborhoods identified in the 2023-2031 Housing Element. Eligible projects must satisfy a number of criteria, including minimum bedroom, ownership, and pre-application requirements.

The SUD (Planning Code Section 249.94) was enacted through Ordinance No. 195-23 in Board File 230026 and took effect in October 2023.

Amendments to Current Law

This ordinance amends Planning Code Section 249.94 to add a corner lot project typology, extend various development and streamlining benefits to the RM-1, RH-2, and RH-3 Districts within a defined subset of the SUD, and revise various eligibility criteria. This ordinance also amends the Zoning Map to reflect a new name for the SUD – the Family and Senior Housing Opportunity Special Use District.

On single Corner Lots, project sponsors may construct up to 6 units. No units can be located in the rear yard of a Corner Lot. For merged Corner Lots, Project sponsors may construct up to 12 units on a two-lot merger, or up to 18 units on a three-lot merger. Alternatively, sponsors could construct up to one unit per 1,000 square feet of lot area, if that number exceeds the numerical limits above.

This ordinance extends the existing and proposed development and streamlining benefits to RM-1 Districts within the area of the SUD that is bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard.

This ordinance extends the existing lot merger and proposed Corner Lot merger benefits to RH-2 or RH-3 Districts within the area of the SUD that is bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard.

This ordinance clarifies that a qualifying project may propose ground floor commercial uses, provided that such uses are principally permitted in the applicable use district.

This ordinance also aligns various eligibility criteria with recent legislation (Ordinance No. 248-23) in Board File No. 230446. Specifically, this ordinance moves the pre-application meeting requirement to 20 days after submission of a development application. Additionally, this ordinance removes the rear-yard setback incentive of 30% to reflect that this is now the base Planning Code standard.

Background Information

The ordinance contains findings setting forth the need to promote housing development in San Francisco's well-resourced neighborhoods. It states that the City faces a severe crisis of housing affordability and availability, characterized by dramatic increases in rent and home sale prices over recent years and historic underproduction of new housing units across income levels, particularly in the City's well-resourced neighborhoods.

On July 10, 2023, the Land Use and Transportation Committee of the Board of Supervisors duplicated Board File No. 230026 to create Board File No. 230808. The ordinance in File No. 230026 proceeded through the legislative process, was enacted as Ordinance No. 195-23, and became effective in October 2023. The ordinance in File No. 230808 – this ordinance – remained at the Land Use and Transportation Committee.

This legislative digest reflects amendments made at the Land Use and Transportation Committee on July 10, 2023 ("the second version"). Those amendments:

- created a Corner Lot project typology with increased density limits and additional development requirements;
- prohibited through lot merger, as defined in the ordinance;
- clarified that the rear-yard unit is a permitted obstruction in the required rear yard; and
- applied the reduced rear-yard requirement to projects that construct a rear-yard unit.

This legislative digest reflects amendments made at the Land Use and Transportation Committee on February 5, 2024 ("the third version"). Those amendments:

- further refined the Corner Lot project typology, including providing alternative density limits;
- extended the existing and proposed development and streamlining benefits to RM-1, RH-2, and RH-3 districts within the area of the SUD that is bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard; and
- refined eligibility requirements, including pre-application and ownership requirements;
- aligned rear-yard requirements with new Planning Code standard; and
- renamed the SUD as the "Family and Senior Housing Opportunity Special Use District."

This legislative digest reflects amendments made at the Land Use and Transportation Committee on February 26, 2024. Those amendments removed an amendment moved on February 5 that would have (1) reduced the five-year ownership requirement to one year for projects with an existing structure containing two or more units and (2) removed the one-year ownership requirement for single-family homes or single-family homes with an Unauthorized Unit. As amended, the original ownership periods in Planning Code Section 249.94(c)(10) would apply.

While the second version of this ordinance was pending at the Land Use and Transportation Committee, Ordinance No. 195-23 became effective. To clearly understand the proposed

amendments to existing law (Planning Code Section 249.94, as enacted by Ordinance No. 195-23) contained in the third and fourth versions of the ordinance, the ordinance shows in “existing text” font (plain Arial) the law currently in effect (Planning Code Section 249.94, as enacted by Ordinance No. 195-23). The ordinance shows in “Board amendment” font (double-underlined Arial for additions, and strikethrough Arial for deletions) amendments to existing law.

The third and fourth versions of the ordinance also include new short and long titles that describe the ordinance, to reflect changes in existing law. They replace the short and long titles in the previous two versions of the ordinance, which had included references to the amendments that became effective with the enactment of Ordinance No. 195-23.

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