

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: March 27, 2024
To: Joaquín Torres, Assessor-Recorder, Office of the Assessor-Recorder
From: *AC* Angela Calvillo, Clerk of the Board, Board of Supervisors
Subject: Planning Code, Zoning Map - Family and Senior Housing Opportunity
Special Use District (File No. 230808)

On March 12, 2024, the Board of Supervisors finally passed Ordinance No. 41-24 (File No. 230808, Planning Code, Zoning Map - Family and Senior Housing Opportunity Special Use District); the Ordinance was enacted on March 13, 2024.

A copy of the Ordinance is being forwarded to you, pursuant to the Administrative Code, Section 34.1.

If you have any questions or concerns, please contact the Office of the Clerk of the Board at (415) 554-5184.

c: Member of the Board of Supervisors; Supervisor Myrna Melgar
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder

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

20 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
21 **Additions to Codes** are in *single-underline italics Times New Roman font*.
22 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
23 **Board amendment additions** are in double-underlined Arial font.
24 **Board amendment deletions** are in ~~Arial font~~.
25 **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:

1
2 Section 1. CEQA and Land Use Findings.

3 (a) The Planning Department has determined that the actions contemplated in this
4 ordinance comply with the California Environmental Quality Act (California Public Resources
5 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
6 Supervisors in File No. 230808 and is incorporated herein by reference. The Board affirms
7 this determination.

8 (b) On October 26, 2023, the Planning Commission, in Resolution No. 21414, adopted
9 findings that the actions contemplated in this ordinance are consistent, on balance, with the
10 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
11 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
12 Board of Supervisors in File No. 230808 and is incorporated herein by reference.

13 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
14 amendments will serve the public necessity, convenience, and welfare for the reasons set
15 forth in Planning Commission Resolution No. 21414, and the Board adopts such reasons as
16 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
17 No. 230808 and is incorporated herein by reference.

18
19 Section 2. Background and Findings.

20 (a) The 2022 Housing Element of the General Plan includes goals, objectives, policies,
21 and programs that seek to guide development patterns and the allocation of resources to San
22 Francisco neighborhoods. Generally, it intends to shift an increased share of San Francisco's
23 projected future housing growth to transit corridors and low-density residential districts in
24 "Well-Resourced Neighborhoods" (areas identified by the state as neighborhoods that provide
25 strong economic, health, and educational outcomes for its residents). In San Francisco, "Well-

1 Resources Neighborhoods” are generally coterminous with the boundaries of the Family
2 Housing Opportunity Special Use District (“SUD”), established in Planning Code Section
3 249.94. The SUD provides eligible projects with density and other development incentives, as
4 well as relief from procedural requirements like conditional use authorizations, neighborhood
5 notification, and public-initiated discretionary review. This ordinance furthers the Housing
6 Element’s goals by providing additional density and development incentives to projects
7 located on corner lots in the SUD.

8 (b) To further the goals of the 2022 Housing Element, this ordinance also expands the
9 scope of existing development incentives to certain neighborhoods within the SUD. The
10 Planning Department’s 2020 Housing Inventory found the Outer Sunset Planning District,
11 bound by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard, contained the
12 largest concentration of single-family homes within the city’s Well-Resourced Neighborhoods.
13 From 2010 through 2020, the Outer Sunset Planning District gained only one new housing
14 unit in the housing stock building category containing five to nine units, and only six new
15 housing units in the housing stock building category containing 10 to 19 units. Relative to
16 other districts in Well-Resourced Neighborhoods, the Outer Sunset Planning District produced
17 the least number of new housing units in multifamily buildings. Permitting additional units on
18 residential and mixed-use lots within the Outer Sunset Planning District provides a significant
19 opportunity to increase the supply of available housing in San Francisco’s Well-Resourced
20 Neighborhoods.

21
22 Section 3. The Planning Code is hereby amended by revising Section 249.94, to read
23 as follows:
24
25

1 **SEC. 249.94. FAMILY AND SENIOR HOUSING OPPORTUNITY SPECIAL USE**
2 **DISTRICT.**

3 (a) **Purpose and Relationship to Planning Code Provisions.** To incentivize the
4 development of multifamily housing in the City’s well-resourced neighborhoods, a special use
5 district entitled “Family and Senior Housing Opportunity Special Use District” is hereby
6 established. All applicable provisions of the Planning Code shall continue to apply to this
7 special use district, except as otherwise provided in this Section 249.94.

8 (b) **Boundaries.** The boundaries of the Family and Senior Housing Opportunity
9 Special Use District are shown on Special Use District Maps Sheets SU 1, SU 2, SU 3, SU 4,
10 SU 5, SU 6, SU 7, SU 11, SU 12, and SU 13. These boundaries consist generally of the areas
11 designated as high-resource and highest-resource on the Well-Resourced Neighborhoods
12 Map of the 2023-2031 Housing Element.

13 (c) **Eligibility.** An eligible project under this Section 249.94 shall be a project that
14 complies with all the following criteria:

15 (1) is located in:

16 (A) an RH District in the Family and Senior Housing Opportunity Special
17 Use District (“the SUD”), and is not located in the Telegraph Hill - North Beach Residential
18 Special Use District (Section 249.9449) or the North Beach Special Use District (Section
19 780.3); or

20 (B) an RM-1 District within the area of the SUD that is bounded by the
21 Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard;

22 (2) is not seeking or receiving approval under the provisions of Planning Code
23 Sections 206.3, 206.5, or 206.6;

24 (3) is not located on a parcel resulting from a lot split under California
25 Government Code Section 66411.7;

1 (4) proposes any of the following project types:

2 (A) **Single-Lot Development Project.** The construction on a single lot,
3 including through the alteration of an existing structure, of at least two dwelling units and no
4 more than the maximum number of dwelling units prescribed in subsection (d)(1)(A) of this
5 Section 249.94, inclusive of any existing dwelling units on the site and any Unauthorized
6 Units, as defined in Section 317, occupied by a tenant at any time within the five years
7 preceding application.

8 (i) For a single-lot project proposing four dwelling units, the fourth
9 dwelling unit shall be constructed in the rear yard pursuant to subsection (d)(3) of this Section
10 249.94. If the proposed rear-yard unit does not meet the requirements of subsection (d)(3) of
11 this Section 249.94, the project shall be limited to three units. For a project proposing fewer
12 than four dwelling units, up to one unit may be located in the rear yard pursuant to subsection
13 (d)(3) of this Section 249.94.

14 (ii) Single-lot projects located on Corner Lots shall not construct
15 any units in the rear yard;

16 (B) **Lot-Merger Development Project in ~~RH-1 Districts~~.** A merger of
17 up to three lots in ~~RH 1, RH 1(D), or RH 1(S) districts~~ and the construction on the resulting lot
18 of at least nine dwelling units and no more than the maximum number of dwelling units
19 prescribed in subsection (d)(1)(B) of this Section 249.94 for a three-lot merger project, or at
20 least six dwelling units and no more than the maximum number of dwelling units prescribed in
21 subsection (d)(1)(B) of this Section 249.94 for a two-lot merger project. A project proposing a
22 lot merger shall not be eligible to construct a rear-yard unit pursuant to subsection (d)(3) of
23 this Section 249.94. A project may not propose a lot merger that would result in a lot having
24 both its front and its rear lot line along Streets, Alleys, or a Street and an Alley ("through lot").
25

1 unless at least one of the lots that will be merged is a through lot. To be eligible to construct a
2 lot merger project in the SUD, the project shall be located in the following:

- 3 _____ (i) an RH-1, RH-1(D), or RH-1(S) District; or
4 _____ (ii) an RH-2 or RH-3 District within the area of the SUD that is
5 bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard; or
6 _____ (iii) an RM-1 District within the area of the SUD that is bounded by
7 the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard;

8 (C) **Group Housing Development Project.** A single-lot project
9 pursuant to subsection (c)(4)(A) of this Section 249.94 and a lot-merger project pursuant to
10 subsection (c)(4)(B) of this Section 249.94 may also propose the construction of Group
11 Housing up to the density limits prescribed in subsection (d)(1)(C) of this Section 249.94 for
12 projects located in RH-1, RH-1(D), or RH-1(S) districts. For projects outside of those districts,
13 the group housing density limit shall be the limits currently permitted under the Planning Code.
14 A project shall not propose both dwelling units and Group Housing bedrooms. Projects
15 proposing Group Housing bedrooms shall not be eligible for condominium subdivision,
16 including but not limited to conversion pursuant to Subdivision Code Section 1396.7;

17 (D) **Ground Floor Commercial Use.** An eligible project under
18 subsection (c)(4)(A)-(C) may also propose ground floor commercial uses, provided that such
19 uses are principally permitted in the applicable use district;

20 (5) contains the following bedroom configurations:

21 (A) for single-lot projects under subsection (c)(4)(A) of this Section
22 249.94, at least two dwelling units with two or more bedrooms, unless the project proposes
23 the addition of one dwelling unit to a lot with three existing dwelling units, in which case the
24 required bedroom configurations in this subsection (c)(5)(A) shall not apply;

1 (B) for two-lot merger projects under subsection (c)(4)(B) of this Section
2 249.94, at least two dwelling units with two bedrooms, or at least one dwelling unit with three
3 bedrooms;

4 (C) for three-lot merger projects under subsection (c)(4)(B) of this
5 Section 249.94, at least three dwelling units with two bedrooms, or at least two dwelling units
6 with three bedrooms.

7 (D) The requirements of this subsection (c)(5) may be satisfied by
8 existing dwelling units retained on site. This subsection (c)(5) does not apply to Group
9 Housing projects or to certain Corner Lot projects, as detailed in subsection (d)(7)(6) of this
10 Section 249.94;

11 (6) includes more dwelling units than are existing on the site at the time of
12 application. For the purposes of this subsection (c)(6), an existing dwelling unit includes an
13 Unauthorized Unit, as defined in Planning Code Section 317, that has been occupied by a
14 tenant at any time within the five years preceding application submittal and also includes an
15 Accessory Dwelling Unit, as defined in Planning Code Section 102. Group Housing projects
16 utilizing this Section 249.94 shall provide more bedrooms than are existing on the site at the
17 time of application;

18 (7) does not propose the demolition of a building that is:

19 (A) located in an Article 10 Historic District;

20 (B) listed as a Landmark under Article 10-;

21 (C) located in an Article 11 Conservation District, where the building has
22 a rating of Category I, II, III or IV;

23 (D) listed in or determined eligible for listing in the California Register of
24 Historical Resources individually and/or as a contributor to a historic district; or,
25

1 (E) listed in or determined eligible for listing in the National Register of
2 Historic Places individually and/or as a contributor to a historic district;

3 (8) complies with the Planning Code and any applicable design guidelines,
4 including but not limited to the provisions of this Section 249.94 and does not seek any
5 variances or exceptions from the Planning Code. Notwithstanding the previous sentence, an
6 eligible project shall strive for consistency with the Residential Design Guidelines to the extent
7 feasible;

8 (9) complies with the requirements of Section 66300(d) of the California
9 Government Code, as may be amended from time to time and as are in effect at the time a
10 complete project application is submitted, except as otherwise specified herein, including but
11 not limited to requirements to replace all protected units and to offer existing occupants of any
12 protected units that are lower income households relocation benefits and a right of first refusal
13 for a comparable unit, as those terms are defined therein. Notwithstanding the foregoing
14 sentence, if California Government Code Section 66300 becomes inoperative, the project
15 shall comply with the last operative version of Section 66300 before it became inoperative.
16 This subsection (c)(9) does not modify or supersede any other City requirements related to
17 relocation, including but not limited to the requirements of Chapter 37 of the Administrative
18 Code;

19 (10) the project sponsor certifies under penalty of perjury that at the time of the
20 submittal of their application, the project sponsor has owned the subject lot for a minimum of
21 ~~five or five years~~ if the site contains two or more dwelling units, or a minimum of one year if
22 ~~the site contains one or fewer dwelling units, or a minimum of one year if the site contains one~~
23 or fewer dwelling units. Notwithstanding the foregoing sentence, a single-family home that
24 contains an Unauthorized Unit shall ~~not~~ be subject to the one-year requirement. This
25 ownership requirement in this subsection (c)(10) shall be subject to the following:

1 (A) **Eligible Predecessor.** A property owner who has inherited the
2 subject lot, including any inheritance in or through a trust, from a blood, adoptive, or step
3 family relationship, specifically from either (i) a grandparent, parent, sibling, child, or
4 grandchild, or (ii) the spouse or registered domestic partner of such relations, or (iii) the
5 property owner's spouse or registered domestic partner (each an "Eligible Predecessor"), may
6 add an Eligible Predecessor's duration of ownership of the subject lot to the property owner's
7 duration of ownership of the same lot.

8 (B) **Multiple Ownership.** Whenever property proposed for development
9 is jointly owned, owned as common property, or is otherwise subject to multiple ownership,
10 the durational requirements of this subsection (c)(10) must be satisfied by: (i) the majority
11 ownership, whether represented by stock, membership interest, partnership interest, co-
12 tenancy interest, or otherwise, in the case of projects proposed under subsection (c)(4)(A); or
13 (ii) the majority ownership of each lot to be merged, whether represented by stock,
14 membership interest, partnership interest, co-tenancy interest, or otherwise, in the case of
15 projects proposed under subsection (c)(4)(B).

16 (C) **Vacant or Abandoned Property.** The ownership requirement in this
17 subsection (c)(10) shall not apply if the property has been registered as a vacant or
18 abandoned building pursuant to Building Code Section 103A.4 et seq. for at least five years
19 preceding the application submittal if the existing site contains two or more dwelling units, or
20 one year preceding application submittal if the site contains one or fewer dwelling units or a
21 single-family home containing an Unauthorized Unit;

22 (D) The requirements of this subsection (c)(10) shall apply regardless of
23 the legal form of ownership of the property, including but not limited to properties owned by a
24 limited liability company;

25

1 (11) the project sponsor certifies under penalty of perjury that the project does
2 not propose the demolition of:

3 (A) three or more dwelling units that are or were:

4 (i) subject to a recorded covenant, ordinance, or law that restricts
5 rents to levels affordable to persons and families of lower or very low income within the past
6 five years; or

7 (ii) subject to limits on rent increases under the Residential Rent
8 Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) within the past
9 five years; or

10 (iii) rented by lower or very low income households within the
11 past five years; or

12 (B) a dwelling unit occupied by a tenant at the time of application; or

13 (C) a dwelling unit from which a tenant has been evicted under
14 Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the past five years or a
15 dwelling unit that has been vacated within the past five years pursuant to a Buyout
16 Agreement, pursuant to the requirements of Administrative Code Section 37.9E, as it may be
17 amended from time to time, regardless of whether the Buyout Agreement was filed and
18 registered with the Rent Board pursuant to Administrative Code Section 37.9E(h).

19 (D) For the purposes of this subsection (c)(11) of Section 249.94, "lower
20 or very low income households" shall have the same meaning as in Government Code
21 Section 66300; and

22 (12) the project sponsor has conducted one ~~pre-application~~ meeting prior to or
23 within 20 days of filing a development application. Following submission of a development
24 application, the ~~The~~ Planning Department shall not ~~accept~~ determine a development
25 application under this Section 249.94 to be complete without confirmation that the project

1 sponsor has held at least one ~~pre-application~~ meeting conforming to the requirements of this
2 subsection (c)(12) and any additional procedures established by the Planning Department.
3 The project sponsor shall provide mailed notice of the ~~pre-application~~ meeting to the
4 individuals and neighborhood organizations specified in Planning Code Section 333(e)(2)(A)
5 and (C). The Planning Department shall establish additional procedures to administer this
6 subsection (c)(12).

7 (d) **Other Controls.**

8 (1) **Density Exceptions.** Projects that meet the eligibility criteria in subsection
9 (c) of this Section 249.94 are exempt from residential density limits, calculation of which shall
10 not include any Accessory Dwelling Units permitted under Section 207, as follows:

11 (A) **Single-Lot Density Exception.** For projects eligible under
12 subsection (c)(4)(A), up to four dwelling units per lot. Projects on a single Corner Lot may
13 propose the greater of up to six dwelling units per lot or one dwelling unit per 1,000 square
14 feet of lot area;

15 (B) **Lot-Merger Density Exception.** For projects eligible under
16 subsection (c)(4)(B), the greater of twelve dwelling units per lot or one dwelling unit per 1,000
17 square feet of lot area, if the lot is the result of a merger of three lots, or the greater of eight
18 dwelling units per lot or one dwelling unit per 1,000 square feet of lot area, if the lot is the
19 result of a merger of two lots. Projects on a resulting Corner Lot may propose the greater of
20 up to 18 dwelling units per lot or one dwelling unit per 1,000 square feet of lot area for a three-
21 lot merger project, or the greater of up to 12 dwelling units per lot or one dwelling unit per
22 1,000 square feet of lot area for a two-lot merger project;

23 (C) **Group Housing Density Exception.** For both Single-Lot and Lot-
24 Merger Development Projects under subsection (c)(4)(A) or (B), up to one Group Housing
25 bedroom per 415 square feet of lot area in RH-1, RH-1(D), and RH-1(S) districts.

1 (2) **Height.** Notwithstanding any other provision of this Code, including but not
2 limited to Section 261(b), the height limit for a project that meets the eligibility criteria in
3 subsection (c) of this Section 249.94 shall be 40 feet, if 40 feet is authorized by the Height
4 Map of the Zoning Map. Notwithstanding the foregoing sentence, a project shall comply with
5 the requirements of Section 261(c).

6 (3) **Construction of Rear-Yard Unit.** ~~Construction of a A~~ rear-yard unit shall
7 be a permitted obstruction in the required rear yard under Section 136(c), provided that the
8 project complies with ~~governed by~~ the following standards:

9 (A) The subject parcel must be at least 2,400 square feet;

10 (B) The rear-yard unit shall be located at least four feet from the side
11 and rear lot lines and shall not share structural walls with any other structure on the lot;

12 (C) ~~Compliance with minimum rear yard requirements shall not be~~
13 ~~required, except that a A~~ minimum 25 feet separation of unobstructed open area shall be
14 provided between the facades of the rear-yard building and the primary building that face
15 each other. Such open area shall comply with the requirements of Section 135(a)-(c);

16 (D) For the rear-yard unit and units in the primary building that obtain
17 their only Code-complying exposure from the rear yard, the dwelling unit exposure
18 requirements of Section 140(a)(2) may be satisfied through qualifying windows facing an
19 unobstructed open area that is no less than 25 feet in every horizontal dimension, and such
20 open area is not required to expand in every horizontal dimension at subsequent floors. Such
21 open area shall be unobstructed except for fire escapes not projecting more than necessary
22 for safety, and in no case more than four feet six inches; chimneys; and those obstructions
23 permitted in Sections 136(c)(14), (15), (16), (19), (20), and (26);

24 (E) The rear-yard building height shall be limited to 20 feet measured
25 from existing grade at any given point to either i) the highest point of a finished roof, in the

1 case of a flat roof, or ii) the average height of a pitched roof or stepped roof, or similarly
2 sculptured roof form. The rear-yard building shall not be eligible for any height exemptions in
3 subsection (d)(2) of this Section 249.94 or in Section 260(b); and

4 (F) Each dwelling unit or group housing bedroom shall have at least 100
5 square feet of usable open space if private, or 133 square feet if common.

6 (G) For the purposes of this subsection (d)(3), the unobstructed open
7 area shall be measured from the greatest depth of the rear façade for the primary building and
8 the front façade of the rear-yard building that is closest to the rear yard.

9 ~~(4) **Rear Yard Requirements.** For projects that do not construct a rear yard~~
10 ~~unit pursuant to subsection (d)(3) of this Section 249.94, the basic rear yard requirement shall~~
11 ~~be equal to 30% of the total depth of the lot on which the building is situated, but in no case~~
12 ~~less than 15 feet.~~

13 ~~(5)(4) **Open Space Requirements for Lot-Merger Projects.** For projects~~
14 ~~eligible under subsection (c)(4)(B) of this Section 249.94, each dwelling unit shall have at~~
15 ~~least 100 square feet of usable open space if private, or 133 square feet if common.~~

16 ~~(6)(5) **Minimum Density Requirement on Merged Lots.** For lots merged~~
17 ~~pursuant to subsection (c)(4)(B) of this Section 249.94, any development on the resulting lot~~
18 ~~shall be subject to the following minimum densities:~~

19 (A) six units per lot, if the lot results from a two-lot merger; or

20 (B) nine units per lot, if the lot results from a three-lot merger.

21 ~~(7)(6) **Additional Requirements for Certain Corner Lot Projects.** For~~
22 ~~projects on Corner Lots that propose at least five units under subsection (c)(4)(A) of this~~
23 ~~Section 249.94, or at least 15 units for a three-lot merger or at least 10 units for a two-lot~~
24 ~~merger under subsection (c)(4)(B), the following requirements shall apply:~~

1 (A) The height limit shall be 65 feet, notwithstanding any provision to the
2 contrary in the Height Map of the Zoning Map and notwithstanding subsection (d)(2) of this
3 Section 249.94. Compliance with Section 261(c) shall not be required;

4 (B) The basic rear yard requirement shall be equal to 25% of the total
5 depth of the lot on which the building is situated, but in no case less than 15 feet;

6 (C) Each dwelling unit shall have at least 100 square feet of usable open
7 space if private, and/or 133 square feet if common;

8 (D) Group Housing shall not be permitted; and

9 (E) The minimum bedroom requirements in subsection (c)(5) of this
10 Section 249.94 shall not apply; and

11 ~~_____ (F) No units may be located in the rear yard pursuant to subsection (d)(3)~~
12 ~~of this Section 249.94.~~

13 **(e) Applicability of Rent Ordinance; Regulatory Agreements.**

14 (1) Sponsors of projects utilizing any of the density exceptions above the base
15 density up to the limits in subsection (d)(1) of this Section 249.94 shall enter into a regulatory
16 agreement with the City subjecting the new units created pursuant to such density exception,
17 except for any required Affordable Units as defined in Planning Code Section 401, to the
18 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
19 Code), as a condition of approval of the density exception ("Regulatory Agreement").

20 (2) The property owner and the Planning Director, or the Director's designee,
21 on behalf of the City, will execute the Regulatory Agreement, which is subject to review and
22 approval by the City Attorney's Office. The Regulatory Agreement shall be executed prior to
23 the City's issuance of the First Construction Document for the project, as defined in Section
24 107A.13.1 of the Building Code. Following execution of the Regulatory Agreement by all
25 parties and approval by the City Attorney, the Regulatory Agreement or a memorandum

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

3 (3) At a minimum, the Regulatory Agreement shall contain the following:

4 (A) A description of the total number of units approved, including the
5 number of units subject to the Rent Stabilization and Arbitration Ordinance and other
6 restricted units, if any, and the location, square footage of dwelling units, and number of
7 bedrooms in each unit;

8 (B) A statement that the new units created pursuant to the density
9 exception are not subject to the Costa-Hawkins Rental Housing Act (California Civil Code
10 Section 1954.50 et seq.). Further, that under Section 1954.52(b), the property owner has
11 entered into and agreed to the terms of the agreement with the City in consideration for an
12 exception from residential density limits, or other direct financial contribution or other forms of
13 assistance specified in California Government Code Section 65915 et seq.;

14 (C) A description of the residential density exception or other direct
15 financial contribution or forms of assistance provided to the property owner; and

16 (D) A description of the remedies for breach of the agreement and other
17 provisions to ensure implementation and compliance with the agreement.

18 (f) **Review and Approvals.** Notwithstanding any other provision of this Code, the
19 following shall apply to any project that meets the eligibility criteria in subsection (c) of this
20 Section 249.94, irrespective of whether a project is utilizing a density exception to construct
21 units above the applicable density limit in the RH or RM-1 eD District pursuant to subsection
22 (d)(1) of this Section 249.94:

23 (1) No conditional use authorization shall be required, including but not limited
24 to the requirements of Sections 303 and 317 of this Code, unless:

1 (A) a project would demolish any units that are subject to limits on rent
2 increases under the Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of
3 the Administrative Code); or

4 (B) a project requires a conditional use authorization pursuant to
5 Sections 249.77 or 249.92.

6 (2) Compliance with Section 311 of this Code shall not be required, unless a
7 project would demolish any units that are subject to limits on rent increases under the
8 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
9 Code), in which case the requirements of Section 311 shall apply; and

10 (3) A Notice of Special Restrictions (“NSR”) shall be recorded on the title of any
11 property receiving approval under this Section 249.94. The NSR shall:

12 (A) Describe the uses, restrictions, and development controls approved
13 under Planning Code Section 249.94, including but not limited to the minimum density
14 restrictions set forth in subsection (d)~~(6)~~(5);

15 (B) State that the NSR runs with the land and is binding on all future
16 owners and successors in interest;

17 (C) Provide the Planning Department with the ability to enforce the
18 provisions of this Section 249.94;

19 (D) Describe any other conditions that the Planning Director or Planning
20 Commission deems appropriate to ensure compliance with this Section 249.94; and

21 (E) Be signed by the City and recorded prior to issuance of the building
22 permit for the project receiving approval under this Section 249.94.

23 (g) **Review of Program.** The Planning Department shall include the location and
24 number of units of projects using this Section 249.94 in the Housing Inventory Report. Prior to
25 December 31, 2030, the Planning Department shall prepare a report containing

1 recommendations for modifications to this Section 249.94, including modifications to the
2 boundaries described in subsection (b), to further the goals of the City’s Seventh Housing
3 Element Cycle.

4
5 Section 4. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheets SU 1,
6 SU 2, SU 3, SU 4, SU 5, SU 6, SU 7, SU 11, SU 12, and SU 13 of the Zoning Map of the City
7 and County of San Francisco are hereby amended, as follows:

<u>Existing Special Use District</u>	<u>Renamed Special Use District</u>
<u>Family Housing Opportunity Special Use District</u>	<u>Family and Senior Housing Opportunity Special Use District</u>

8
9
10
11
12
13
14 The Zoning Map amendment in this Section 4 amends the title of the Special Use
15 District and does not alter the boundaries of the Special Use District.

16
17 Section 5. Formatting of Ordinance; Explanation of Fonts.

18 (a) On July 10, 2023, the Land Use and Transportation Committee of the Board of
19 Supervisors duplicated Board File No. 230026 to create Board File No. 230808. The
20 ordinance in File No. 230026 proceeded through the legislative process, was enacted as
21 Ordinance No. 195-23, and became effective in October 2023. The ordinance in File No.
22 230808 – this ordinance – remained at the Land Use and Transportation Committee. This is
23 the ~~third~~fourth version of that ordinance.

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

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

7 (c) ThisThe third and fourth versions of the ordinance also includes new short and long
8 titles that describe the ordinance, to reflect changes in existing law. They replace the short
9 and long titles in the previous two versions of the ordinance, which had included references to
10 the amendments that became effective with the enactment of Ordinance No. 195-23.

11
12 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
13 of this ordinance, or any application thereof to any person or circumstance, is held to be
14 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
15 shall not affect the validity of the remaining portions or applications of the ordinance. The
16 Board of Supervisors hereby declares that it would have passed this ordinance and each and
17 every section, subsection, sentence, clause, phrase, and word not declared invalid or
18 unconstitutional without regard to whether any other portion of this ordinance or application
19 thereof would be subsequently declared invalid or unconstitutional.

20
21 Section 7. No Conflict with Federal or State Law. Nothing in this ordinance shall be
22 interpreted or applied so as to create any requirement, power, or duty in conflict with any
23 federal or state law.
24
25

1 Section 8. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 9. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Giulia Gualco-Nelson
16 GIULIA GUALCO-NELSON
Deputy City Attorney

17 n:\legana\as2023\2300112\01740965.docx
18
19
20
21
22
23
24
25



City and County of San Francisco

Tails Ordinance

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

File Number: 230808

Date Passed: March 12, 2024

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.

July 10, 2023 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 10, 2023 Land Use and Transportation Committee - CONTINUED TO CALL OF THE CHAIR AS AMENDED

February 05, 2024 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 05, 2024 Land Use and Transportation Committee - CONTINUED AS AMENDED

February 12, 2024 Land Use and Transportation Committee - CONTINUED

February 26, 2024 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 26, 2024 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 05, 2024 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

March 05, 2024 Board of Supervisors - DUPLICATED AS AMENDED

March 05, 2024 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

March 12, 2024 Board of Supervisors - FINALLY PASSED

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

Excused: 1 - Ronen

File No. 230808

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/12/2024 by the Board of Supervisors of the City and County of San Francisco.



**Angela Calvillo
Clerk of the Board**



**London N. Breed
Mayor**

3/13/24

Date Approved