

1 [Planning Code - Dwelling Unit Mix Requirements]

2

3 **Ordinance amending the Planning Code to add an additional option for the dwelling**  
 4 **unit mix of large buildings in specified zoning districts to allow developers to have a**  
 5 **mix of two- and three-bedroom units that results in at least 50 no less than 35% percent**  
 6 **of the total number of proposed units ~~bedrooms being in units that have more than one~~**  
 7 **~~bedroom~~ having two or three bedrooms with at least 10% of the total number of**  
 8 **proposed units having three bedrooms; affirming the Planning Department’s**  
 9 **determination under the California Environmental Quality Act; and making findings of**  
 10 **consistency with the General Plan, the eight priority policies of Planning Code, Section**  
 11 **101.1, and findings of public necessity, convenience, and welfare under Planning Code,**  
 12 **Section 302.**

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

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

19

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this  
 22 ordinance comply with the California Environmental Quality Act (California Public Resources  
 23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 24 Supervisors in File No. 160281 and is incorporated herein by reference. The Board affirms  
 25 this determination.

1 (b) On June 16, 2016, the Planning Commission, in Resolution No.19667, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. 160281, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that  
7 these Planning Code amendments will serve the public necessity, convenience, and welfare  
8 for the reasons set forth in Planning Commission Resolution No. 19667 and the Board hereby  
9 incorporates such reasons herein by reference.

10  
11 Section 2. The Planning Code is hereby amended by revising Sections 207.6 and 329,  
12 to read as follows:

13 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR, AND**  
14 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

15 (a) **Purpose.** In order to foster flexible and creative infill development while  
16 maintaining the character of the district, dwelling unit density is not controlled by lot area in  
17 RTO, NCT, and Eastern Neighborhoods Mixed Use Districts but rather by the physical  
18 constraints of this Code (such as height, bulk, setbacks, open space, and dwelling unit  
19 exposure). However, to ensure an adequate supply of family-sized units in existing and new  
20 housing stock, new residential construction must include a minimum percentage of units of at  
21 least two ~~2~~ bedrooms.

22 \* \* \* \*

23 (c) **Controls.**

24 (1) ~~For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3~~  
25 ~~districts, no less than 40 percent of the total number of dwelling units on site shall contain at~~

1 least two bedrooms. Any fraction resulting from this calculation shall be rounded to the  
2 nearest whole number of dwelling units. While existing dwelling units in buildings which do not  
3 comply with this Subsection need not be expanded to meet this requirement, all new dwelling  
4 units shall provide at least two bedrooms when less than 40 percent of the total number of  
5 dwelling units contain less than two bedrooms.

6 (2) For all other RTO, RCD and NCT districts, as well as DTR and Eastern  
7 Neighborhoods Mixed Use Districts, one of the following ~~two~~ three must apply;

8 (A 1) no less than ~~40% percent~~ of the total number of proposed ~~d~~Dwelling  
9 ~~#~~Units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be  
10 rounded to the nearest whole number of ~~d~~Dwelling ~~u~~Units, or

11 (B 2) no less than ~~30% percent~~ of the total number of proposed ~~d~~Dwelling  
12 ~~#~~Units shall contain at least three bedrooms. Any fraction resulting from this calculation shall  
13 be rounded to the nearest whole number of ~~d~~Dwelling ~~u~~Units, ~~or~~.

14 (C 3) no less than 35% of the total number of proposed Dwelling Units  
15 shall contain at least two or three bedrooms with at least 10% of the total number of proposed  
16 Dwelling Units containing three bedrooms. ~~at least 50% of the bedrooms are in units that have~~  
17 ~~more than one bedroom.~~ Any fraction resulting from this calculation shall be rounded to the  
18 nearest whole number of dwelling units.

19 \* \* \* \*

20 (e) Monitoring. The Department shall monitor projects that choose Option (B) or  
21 (C) in subsection (c)(2) above and shall include that data in the annual Housing Inventory  
22 starting in 2019.

23 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED**  
24 **USE DISTRICTS.**

25 \* \* \* \*

1 (d) **Exceptions.** As a component of the review process under this Section 329,  
2 projects may seek specific exceptions to the provisions of this Code as provided for below:

3 \* \* \* \*

4 (6) Provision of the required minimum dwelling unit mix, as set forth in  
5 Section 207.6, pursuant to the criteria of Section 305(c);

6 \* \* \* \*

7  
8 Section 3. Effective Date. This ordinance shall become effective 30 days after  
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
11 of Supervisors overrides the Mayor’s veto of the ordinance.

12  
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
17 additions, and Board amendment deletions in accordance with the “Note” that appears under  
18 the official title of the ordinance.

19  
20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_  
23 JUDITH A. BOYAJIAN  
24 Deputy City Attorney  
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