

1 [Planning Code - 100% Affordable Housing]

2

3 **Ordinance amending the Planning Code to exempt 100% affordable housing**
4 **developments from active use and ground floor commercial use requirements, expand**
5 **temporary use authorizations to 100% affordable housing developments that have not**
6 **submitted a development application, and facilitate the conversion of Residential Care**
7 **Facilities to 100% affordable housing developments by exempting such adaptive reuse**
8 **projects from certain residential use and development standards; affirming the**
9 **Planning Department's determination under the California Environmental Quality Act;**
10 **making findings of consistency with the General Plan, and the eight priority policies of**
11 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**
12 **and welfare pursuant to Planning Code, 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.

17

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

19

20 Section 1. Environmental and Land Use 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. 251213 and is incorporated herein by reference. The Board affirms
25 this determination.

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

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

11
12 Section 2. General Background and Findings.

13 (a) On January 31, 2023, the City adopted the 2022 Update of the Housing Element of
14 the General Plan, as required by State Law. This Update commits the City to meeting its
15 Regional Housing Needs Allocation (“RHNA”) goals in the 2023-2031 Housing Element cycle.
16 Among other policies, the 2022 Update also commits the City to removing governmental
17 constraints on housing.

18 (b) The City is facing a significant shortage of affordable housing, and building more
19 affordable housing is a key component of addressing San Francisco’s affordability challenges
20 and meeting the City’s RHNA goals.

21 (c) The City currently has over 9,000 units of affordable housing in its development
22 pipeline in various stages of planning and construction.

23 (d) Despite San Francisco’s continued investments, building affordable housing
24 projects has been challenging due to rising construction costs and limited regional, State, and
25 Federal resources including tax credits, and developer impact fees, which are subject to the

1 volatility of the market. These funding obstacles have delayed projects and resulted in land
2 identified for affordable housing development sitting vacant while awaiting the funding needed
3 to begin construction.

4 (e) Activating these affordable housing development sites with temporary uses would
5 create an active and vital street frontage, generate economic activity, deter crime and
6 nuisance activities, and enhance the vitality of the public realm near or within these sites.

7 (f) Occupying vacant affordable housing development sites with temporary uses will
8 also help ensure proper maintenance of the properties.

9 (g) Affordable housing projects provide an important public benefit to low- and
10 moderate-income San Franciscans. Exempting affordable housing projects from certain
11 Planning Code requirements provides greater flexibility to these projects to ensure they are
12 designed to meet the unique needs of the populations they are intended to serve and can
13 maximize the use of various public funding sources.

14
15 Section 3. Articles 1.2 and 2 of the Planning Code are hereby amended by revising
16 Sections 145.1, 145.4, and 205.5, and adding Section 210.6, to read as follows:

17
18 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,**
19 **RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

20 * * * *

21 (c) **Controls.** The following requirements shall generally apply, except for those
22 controls listed in subsections (c)(1) Above Grade Parking Setback and (c)(4) Ground Floor
23 Ceiling Height, which only apply to a “development lot” as defined above and except as
24 specified in subsection (d).

25 * * * *

1 (3) **Active Uses Required.** With the exception of space allowed for parking
2 and loading access, building egress, and access to mechanical systems, space for active
3 uses as defined in ~~S~~subsection (b)(2) and permitted by the specific district in which it is located
4 shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on
5 floors above from any facade facing a street at least 30 feet in width. Building systems
6 including mechanical, electrical, and plumbing features may be exempted from this
7 requirement by the Zoning Administrator only in instances where those features are provided
8 in such a fashion as to not negatively impact the quality of the ground floor space.

9 * * * *

10 (d) **Exceptions.** ~~for~~

11 (1) **Historic Buildings.** Specific street frontage requirements in this Section
12 145.1 may be modified or waived by the Planning Director for structures designated as
13 landmarks, significant or contributory buildings within a historic district, or buildings of merit
14 when the Historic Preservation Commission advises that complying with specific street
15 frontage requirements would adversely affect the landmark, significant, contributory, or
16 meritorious character of the structure, or that modification or waiver would enhance the
17 economic feasibility of preservation of the landmark or structure.

18 (42) ~~Exceptions to~~ **Transparency and Fenestration.** The transparency and
19 fenestration requirements in subsection Section 145.1(c)(6) shall not apply to a Production,
20 Distribution, and Repair Use; Child Care Facility; Homeless Shelter; Mortuary; Religious
21 Institution; Reproductive Health Clinic; School Use; and any Social or Health Service Use
22 proposed on-site with either a Homeless Shelter or an affordable housing project that meets
23 the requirements of Section 315(b).

1 (3) Active Use Requirement. The active use requirement in subsection (c)(3) shall not
2 apply to any project where all residential units, except for a manager’s unit, are affordable housing
3 units as defined in Section 406(b)(1).

4
5 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

6 * * * *

7 (f) This Section 145.4 shall not apply to the following:

8 (1) Buildings in the RH-DTR District that are (i) designated landmark buildings
9 or contributory buildings within a designated historic district pursuant to Article 10 of the
10 Planning Code, or (ii) listed on or determined eligible for the California Register of Historical
11 Resources by the State Office of Historic Preservation; ~~and~~

12 (2) C-3 Districts through December 31, 2030-; and

13 (3) Any project where all residential units, except for a manager’s unit, are affordable
14 housing units as defined in Section 406(b)(1).

15
16 **SEC. 205.5. TEMPORARY USES: INTERIM ACTIVITIES ON DEVELOPMENT**
17 **SITES.**

18 (a) Upon the satisfaction of the requirements in this Section 205.5, an Interim Activity,
19 as defined below, may be authorized as a temporary use on a legal lot that is subject to a
20 Development Project, in any district other than a Residential District, for an initial period not to
21 exceed 36 months (“Initial Period”).

22 (b) **Definitions.** For purposes of this Section 205.5, the following definitions shall
23 apply:

24 “100% Affordable Housing Project” means a project located on a site identified through a
25 notice of funding availability, request for qualifications, land acquisition or dedication, or other formal

1 development opportunity administered by the Mayor’s Office of Housing and Community Development
2 where all residential units, except for a manager’s unit, are affordable housing units as defined in
3 Section 406(b)(1).

4 “Development Project” means (1) a project for which a development application and
5 any associated fees have been submitted and accepted to obtain all required land use
6 entitlements and permits, including any environmental review, for a project that proposes to
7 demolish an existing structure or work that is tantamount to demolition, as defined in Section
8 317,~~or~~ (2) a project that proposes sufficient changes to the site such that the Director
9 determines Interim Activities are appropriate, or (3) a 100% Affordable Housing Project.

10 “Interim Activity” means any Arts Activities Use; any Entertainment, General Use;
11 and/or any Use Principally Permitted in the subject zoning district. For 100% Affordable Housing
12 Projects, sites where the Development Project will construct Affordable Housing Project(s) as defined
13 in Section 315, Interim Activity shall also include any Private Parking Garage, Public Parking
14 Garage, Private Parking Lot, Public Parking Lot, Vehicle Storage Garage, and Vehicle
15 Storage Lot.

16 (c) **Application.** The property owner or the property owner’s authorized agent
17 (“Applicant”) shall submit an application for temporary use to the Planning Department, on a
18 form prepared by the Planning Department. The application shall be accompanied by the
19 applicable fees pursuant to Planning Code Section 350 and shall include an affidavit signed
20 by the Applicant and, as applicable, each tenant occupying any portion of the eligible site for
21 the Interim Activity, or each tenant’s authorized agent, acknowledging that the use of the
22 eligible site for the Interim Activity is temporary and subject to the time limits set forth in this
23 Section 205.5 and acknowledging that the Applicant has to pay any outstanding fees,
24 invoices, or penalties owed to City agencies, and is in compliance with all requirements of the
25 Municipal Code, including any requirements to file Updates to Institutional Master Plans and

1 abate any Code or Building Code violations. The Applicant shall not be required to pay
2 additional fees set forth in Article 4 of the Planning Code as a prerequisite to obtaining
3 temporary use authorization pursuant to this Section 205.5.

4 (d) **New, Additional, or Modified Temporary Uses.** New, additional, or modified
5 temporary uses that were not previously approved by the Planning Director shall be reviewed
6 through the filing of a new application and submittal of a new application fee.

7 (e) **New Tenants.** Additional or different tenants (each a “New Tenant”) may
8 commence occupancy within and use of the eligible site in question without additional
9 applications or fees, provided that each New Tenant submits a completed affidavit to the
10 Department attesting to the truthfulness and correctness of the previously submitted
11 application and declaring that the New Tenant will not discontinue, add to, or modify the
12 approved Interim Activity.

13 (f) **Fenestration, Transparency, and Visibility Requirements.** Construction
14 proposed in connection with the Interim Activity shall not cause noncompliance or exacerbate
15 existing noncompliance with respect to fenestration, transparency, or any other visibility
16 requirement of Section 145.1 of this Code. Further, no film, adhesive, blinds, or other
17 treatment may be applied to any existing fenestration.

18 (g) **Extension of Initial Period.** Upon the Planning Director’s or the Director’s
19 designee’s determination that permits for the Development Project are being and have been
20 diligently pursued, and that the Interim Activity has been consistent with public convenience,
21 necessity, or the general welfare of the City, the Planning Director is authorized to permit the
22 Interim Activity to exceed the Initial Period unless or until the applicant either withdraws the
23 application for the Development Project, the entitlement for the Development Project expires,
24 or construction of the Development Project commences.

1 **SEC. 210.6. RESIDENTIAL CARE FACILITY ADAPTIVE REUSE PROGRAM.**

2 **(a) Purpose and Findings.** *This Section 210.6 describes the Residential Care Facility*
3 *Adaptive Reuse Program. The purpose of the Program is to facilitate the adaptive reuse of Residential*
4 *Care Facilities to 100% affordable housing developments to support the City’s housing needs by*
5 *allowing for conversion, but not the demolition, of those buildings.*

6 **(b) Definitions.**

7 “100% Affordable Housing Project” shall mean a project where all residential units,
8 except for a manager’s unit, are affordable housing units as defined in Section 406(b)(1).

9 “Residential Care Facility Adaptive Reuse Project” shall mean a project that includes a
10 change of use of existing Gross Floor Area from a Residential Care Facility, as that term is defined in
11 Planning Code Section 102, to a 100% Affordable Housing Project.

12 **(c) Controls.** *Applicable provisions of the Planning Code shall control except as otherwise*
13 *provided in this Section 210.6. If there is a conflict between other provisions of the Planning Code and*
14 *this Section 210.6, this Section shall prevail. The following controls shall apply to the Residential Use*
15 *component of a Residential Care Facility Adaptive Reuse Project:*

16 (1) Use. *Residential Uses shall be principally permitted in any use district.*

17 (2) Density. *Form-Based Density shall apply.*

18 (3) Dimensions, Areas, and Open Spaces. *Article 1.2 shall not apply, except that*
19 *Sections 139 (Standards for Bird-Safe Buildings) and 149 (Better Roofs; Living Roof Alternative) shall*
20 *apply.*

21 (4) Design Standards. *Citywide Objective Design Standards and Residential Design*
22 *Guidelines shall not apply.*

23 (5) Transportation. *Sections 155.1 (Bicycle Parking: Definitions and Standards), 155.2*
24 *(Bicycle Parking: Applicability and Requirements), and 166 (Car Sharing) shall not apply.*

1 (6) **Zoning Procedures.** Sections 202.14 (Limitation on Change in Use or Demolition
2 of Residential Care Facility) and 303(aa) (Conditional Uses - Change in Use or Demolition of
3 Residential Care Facility) shall not apply.

4 (7) **Development Impact Fees.** Article 4 shall not apply.

5 (8) **Definitions.** The common space requirements of the “Group Housing” definition in
6 Section 102 shall not apply.

7
8 Section 4. 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 5. 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 DAVID CHIU, City Attorney

22 By: /s/ Giulia Gualco-Nelson
23 GIULIA GUALCO-NELSON
24 Deputy City Attorney

25 4914-5022-4512, v. 1