

**REVISED LEGISLATIVE DIGEST**

(3/26/2012, Amended in Committee)

[Planning Code - Creating a New Definition of Student Housing]

**Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312, to require notice for a change of use to Group Housing; 6) amending Section 317, to prohibit the conversion of residential units into Student Housing, except in specified circumstances; and 7) amending Section 401, to make conforming amendments and amend the definition of Qualified Student Housing; 8) amending Section 214, to create a new subsection (k), to permit additional square footage above the floor area ratio limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as Significant or Contributory pursuant to Article 11; 9) amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and 10) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.**

Existing Law

While the Planning Code contains definitions for many different uses in the City, it currently does not contain a definition of student housing.

Amendments to Current Law

This Ordinance creates a new definition of Student Housing, based on occupancy and ownership or control and applicable citywide. The new Section 102.36 defines Student Housing as "a living space for students of accredited post-secondary Educational Institutions that may take the form of dwelling units, group housing, or a SRO." It establishes that "[t]he use of Student Housing is permitted where the form of housing is permitted in the underlying Zoning District in which it is located. Student Housing must be owned, operated or otherwise controlled by an accredited post-secondary Educational Institution..."

The Ordinance creates a process to allow conversions of Student Housing into other residential uses. It provides that "[i]f a residential project no longer qualifies as Student

Housing," the Zoning Administrator may allow the conversion of the Student Housing to any permitted residential use in the zoning district in which the Student Housing is located, once the Zoning Administrator finds that the converted Student Housing has complied with any applicable Inclusionary Affordable Housing Requirements, and that all other Planning Code requirements applicable to that residential use have been met or modified through appropriate procedures. (See new subsection 307(j).)

On the other hand, the Ordinance prohibits conversion of residential uses into Student Housing. (See amended subsection 317(f)(1).)

The Ordinance makes other changes related to this new definition of Student Housing. It amends Section 135(d)(2), to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; it amends Section 207(b)(3), to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods Mixed Used Districts; and it amends Section 312, to require notice for a change of use to Group Housing. It also makes conforming amendments to the definition of "Qualified Student Housing" in Section 401 of the Planning Code.

#### Amendment of the Whole, March 26, 2012

On March 26, 2012, Supervisor Wiener introduced amendments to this legislation. The amendments would create exceptions from the prohibition of conversion of residential uses into student housing, in very limited circumstances: (i) if the residential use was built by the post-secondary Educational Institution that will own, operate or otherwise control the Student Housing; (ii) if the residential use is in a convent, monastery (or similar religious order facility); or (iii) if the residential use is on a lot directly adjacent to the post-secondary Educational Institution that will own, operate or otherwise control the Student Housing, so long as the lot has been owned by the post-secondary Educational Institution for at least ten years as of the effective date of this ordinance.

The amendments would authorize, subject to a conditional use requirement, additional square footage above that permitted by the base floor area ratio limits set forth in the Planning Code for Qualified Student Housing Projects and that are located in non-significant or contributory buildings in the C-3-G and C-3-S Districts.

In addition, the amendments would amend Table 814 to provide that in the South Park District Student Housing is subject to a conditional use requirement subject to Section 303.

#### Background Information

This legislation originated in the Planning Department. The Planning Commission found that the adoption of the Ordinance would encourage the production of new student housing while protecting the City's existing housing stock, by prohibiting the conversion from any form of housing to student housing, and by providing incentives for the construction of new student

housing. It also found that the proposed definition of student housing acknowledges the different forms that new student housing may take, such as very small efficiency dwellings with individual kitchens and bathrooms in addition to group housing. Finally, the Commission found that the Ordinance provides incentives to construct new student housing such as an exemption from the unit mix requirements within RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use districts.