

1 [Planning Code - Affordable Housing Review Process]

2

3 **Ordinance amending the Planning Code to permit provide administrative review of**  
4 **affordable housing, permitting it as a principal use, and not requiring a Planning**  
5 **Commission hearing, with certain exceptions; conditional-use permit, Section 309**  
6 **~~review or large project authorization for affordable housing, except where residential~~**  
7 **~~uses are prohibited by the zoning, located in RH zoning districts or on designated~~**  
8 **~~public open space or property under the jurisdiction of the Recreation and Parks~~**  
9 **~~Department; and affirming the Planning Department’s determination under the~~**  
10 **California Environmental Quality Act; making public necessity, convenience, and**  
11 **general welfare findings under Planning Code, Section 302 findings; and making**  
12 **findings of consistency with the General Plan, and the eight priority policies of**  
13 **Planning Code, Section 101.1.**

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

18

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

20

21 Section 1. Findings.

22 (a) The Planning Department has determined that the actions contemplated in this  
23 ordinance ~~comply with~~ are categorically exempt from the California Environmental Quality Act  
24 (California Public Resources Code Sections 21000 et seq.) under CEQA Guidelines Section  
25

1 15060(c). Said determination is on file with the Clerk of the Board of Supervisors in File No.  
2 150914 and is incorporated herein by reference. The Board affirms this determination.

3 (b) The actions contemplated in this ordinance are consistent, on balance, with the  
4 City's General Plan, in particular the policies set forth in the Housing Element, as follows.

5 OBJECTIVE 8: Build public and private sector capacity to support, facilitate, provide  
6 and maintain affordable housing.

7 POLICY 8.1: Support the production and management of permanently affordable  
8 housing.

9 An expedited process for the approval of 100% Affordable Housing supports the  
10 production and management of permanently affordable housing as these units would come  
11 online faster than the current regulatory process.

12 OBJECTIVE 10: Ensure a streamlined, yet thorough, and transparent decision-making  
13 process.

14 POLICY 10.1: Create certainty in the development entitlement process, by providing  
15 clear community parameters for development and consistent application of these regulations.

16 POLICY 10.2: Implement planning process improvements to both reduce undue  
17 project delays and provide clear information to support community review.

18 Providing a clear and certain administrative path for 100% Affordable Project allows the  
19 project to move forward without undue delays and relies on existing Planning Code sections  
20 which provide clear parameters for community review. On \_\_\_\_\_, 2015, the Planning  
21 Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this  
22 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of  
23 Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said  
24 Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is  
25 incorporated herein by reference.

1 (c) The actions contemplated in this ordinance are consistent, on balance, with the  
2 eight priority policies of Planning Code Section 101.1, as follows.

3 1. That existing neighborhood-serving retail uses be preserved and enhanced  
4 and future opportunities for resident employment in and ownership of such businesses  
5 enhanced: The proposed amendments will not have a negative effect on neighborhood  
6 serving retail uses and will not affect opportunities for resident employment in and ownership  
7 of neighborhood-serving retail.

8 2. That existing housing and neighborhood character be conserved and  
9 protected in order to preserve the cultural and economic diversity of our neighborhoods: The  
10 proposed amendments will not affect existing housing and neighborhood character as existing  
11 design controls still apply to these projects.

12 3. That the City's supply of affordable housing be preserved and enhanced:  
13 The proposed amendments will not affect the supply of affordable housing and in fact could  
14 produce units at a faster rate.

15 4. That commuter traffic not impede MUNI transit service or overburden our  
16 streets or neighborhood parking: The proposed amendments will not result in commuter  
17 traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

18 5. That a diverse economic base be maintained by protecting our industrial and  
19 service sectors from displacement due to commercial office development, and that future  
20 opportunities for resident employment and ownership in these sectors be enhanced: The  
21 proposed amendments will not cause displacement of the industrial or service sectors due to  
22 office development, and future opportunities for resident employment or ownership in these  
23 sectors would not be impaired.

24 6. That the City achieve the greatest possible preparedness to protect against  
25 injury and loss of life in an earthquake: The proposed amendments will not negatively affect

1 preparedness in the case of an earthquake.

2 7. That the landmarks and historic buildings be preserved: The proposed  
3 amendments will not negatively affect Landmarks and historic buildings.

4 8. That our parks and open space and their access to sunlight and vistas be  
5 protected from development: The proposed amendments will not affect the City's parks and  
6 open space and their access to sunlight and vistas.

7 (d) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
8 amendments will serve the public necessity, convenience, and general welfare. for the  
9 reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates  
10 such reasons herein by reference, as though fully set forth herein.

11 Section 2. The Planning Code is hereby amended by adding Section 315, revising  
12 Sections 202, 253, 309 and 329 to read as follows:

13 **SEC. 315. AFFORDABLE HOUSING PROJECT AUTHORIZATION**

14 (a) Purpose. The purpose of this Section 315 is to ensure that any project where the  
15 principal use is affordable housing, defined in subsection (b) as an Affordable Housing  
16 Project, is reviewed in coordination with relevant priority processing and design guidelines.

17 (b) Applicability. Notwithstanding anything to the contrary contained in this Planning  
18 Code, this Section 315 shall apply to any project where the principal use is housing comprised  
19 solely of housing that is restricted for a minimum of 55 years as affordable for "persons and  
20 families of low or moderate income," as defined in California Health & Safety Code Section  
21 50093 (an "Affordable Housing Project"). The Affordable Housing Project shall be considered  
22 a principally permitted use and shall comply with the administrative review procedures set  
23 forth in this Section and shall not require conditional use authorization or a Planning  
24 Commission hearing that otherwise may be required by the Planning Code, provided that the  
25 site is not designated as public open space, is not under the jurisdiction of the Recreation and

1 Park Department, is not located in a zoning district that prohibits residential uses, or is not  
2 located in an RH zoning district.

3 (1) If a conditional use authorization or other Planning Commission approval is  
4 required for provision of parking, where the amount of parking provided exceeds the base  
5 amount permitted as accessory in Planning Code Article 1.5, such requirement shall apply.

6 (2) If an Affordable Housing Project proposes demolition or change in use of a  
7 general grocery store or movie theatre, this Section shall not apply.

8 (3) If a non-residential use contained in any proposed project would require  
9 conditional use authorization, such requirement shall apply unless the non-residential use is  
10 accessory to and supportive of the affordable housing on-site.

11 (c) Review Process.

12 (1) In lieu of any otherwise required Planning Commission hearing, the Planning  
13 Department shall administratively review and evaluate the physical aspects of an Affordable  
14 Housing Project and review such projects in coordination with relevant priority processing and  
15 design guidelines. An Affordable Housing Project may seek exceptions to Planning Code  
16 requirements that may be available through the Planning Code, including but not limited to  
17 sections 253, 303, 304, 309, and 329, without a Planning Commission hearing, and the  
18 Planning Department may permit such exceptions if it makes the findings otherwise required  
19 by the Planning Code.

20 (2) This administrative review shall be identical in purpose and intent to any  
21 Planning Commission review that would otherwise be required by the Planning Code,  
22 including but not limited to Sections 253, 303, 304, 309 or 329, and an Affordable Housing  
23 Project may seek the exceptions set forth in the Planning Code. If an Affordable Housing  
24 Project would otherwise be subject to such Planning Code provisions, the Planning  
25 Department shall consider all the criteria set forth in such Planning Code sections and shall

1 make all required findings in writing when it approves, modifies, conditions, or disapproves an  
2 Affordable Housing Project.

3 (3) Decision and Imposition of Conditions. The Planning Department, after  
4 making appropriate findings, may approve, disapprove or approve subject to conditions the  
5 Affordable Housing Project and any associated requests for exceptions. As part of its review  
6 and decision, the Planning Department may impose additional conditions, requirements,  
7 modifications, and limitations on a proposed Affordable Housing Project in order to achieve  
8 the objectives, policies, and intent of the General Plan or the Planning Code. Such approval or  
9 disapproval shall be made in writing and mailed to the project sponsor and individuals or  
10 organizations who so request.

11 (4) Change of Conditions. Once a project is approved, authorization of a  
12 change in any condition previously imposed by the Planning Department shall require  
13 approval by the Planning Director subject to the procedures set forth in this Section 315.

14 (5) Discretionary Review. This Section 315 is not intended to alter the  
15 procedures for requests for Discretionary Review by the Planning Commission.

16  
17 **SEC. 202. USES PERMITTED BY THIS CODE.**

18 \* \* \* \*

19 ~~(e) Notwithstanding anything to the contrary contained in this Planning Code, any~~  
20 ~~project where the principal use is housing comprised solely of housing that is restricted for a~~  
21 ~~minimum of 55 years as affordable for “persons and families of low or moderate income,” as~~  
22 ~~defined in California Health & Safety Code Section 50093, shall be considered a principally~~  
23 ~~permitted use and shall not require conditional use authorization, permit review under~~  
24 ~~Planning Code Section 309, authorization as a planned unit development or a large project~~  
25 ~~authorization, provided that the site is not designated as public open space, is not under the~~

1 jurisdiction of the San Francisco Recreation and Park Department, or is not located in a  
2 zoning district that prohibits residential uses or in an RH zoning district. The City may  
3 develop, or cause to be developed, any project where the principal use is housing comprised  
4 solely of housing that is restricted for a minimum of 55 years as affordable for “persons and  
5 families of low or moderate income,” as defined in California Health & Safety Code Section  
6 50093, provided that the site is not designated as public open space, is not under the  
7 jurisdiction of the San Francisco Recreation and Park Department, or is not located in a  
8 zoning district that prohibits residential uses or in an RH zoning district. If a non-residential  
9 use contained in any proposed project would require conditional use authorization, permit  
10 review under Planning Code Section 309, authorization as a planned unit development or a  
11 large project authorization, such requirement would apply unless the non-residential use is  
12 accessory to and supportive of the affordable housing on-site. Upon request, the Zoning  
13 Administrator shall make a written determination about whether a site is designated as public  
14 open space, which determination may be appealed to the Board of Appeals.

15

16 ~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A~~  
17 ~~HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC~~  
18 ~~DISTRICTS.~~

19 (a) ~~Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or~~  
20 ~~RC District, established by the use district provisions of Article 2 of this Code, wherever a~~  
21 ~~height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District,~~  
22 ~~is prescribed by the height and bulk district in which the property is located, any building or~~  
23 ~~structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC~~  
24 ~~District, shall be permitted only upon approval by the Planning Commission according to the~~  
25 ~~procedures for conditional use approval in Section 303 of this Code; provided, however, that a~~

1 building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage  
2 on the front façade is subject to the conditional use requirement.; and provided further any  
3 project where the principal use is housing comprised solely of housing that is restricted for a  
4 minimum of 55 years as affordable for “persons and families of low or moderate income,” as  
5 defined in California Health & Safety Code Section 50093, and is not located in an RH zoning  
6 district or on a site designated as public open space or under the jurisdiction of the San  
7 Francisco Recreation and Park Department, shall not require conditional use authorization as  
8 described in this Section 253. If any non-residential uses contained in the project would  
9 require conditional use authorization, such requirement would apply unless the non-residential  
10 use is accessory to and supportive of the affordable housing on-site. Upon request, the  
11 Zoning Administrator shall make a written determination about whether a site is designated as  
12 public open space, which determination may be appealed to the Board of Appeals.

13 (b) ~~Commission Review of Proposals.~~

14 ——— (1) In reviewing any such proposal for a building or structure exceeding 40 feet  
15 in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC  
16 District where the street frontage of the building is more than 50 feet the Planning  
17 Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC  
18 Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3,  
19 and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives,  
20 policies and principles of the General Plan, and may permit a height of such building or  
21 structure up to but not exceeding the height limit prescribed by the height and bulk district in  
22 which the property is located.

23 ——— (2) In reviewing a proposal for a building exceeding 50 feet in RM and RC  
24 districts, the Planning Commission may require that the permitted bulk and required setbacks

1 of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow  
2 streets (rights-of-way 40 feet in width or narrower) and alleys.

3  
4 ~~SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.~~

5 ~~The provisions and procedures set forth in this Section shall govern the review of~~  
6 ~~project authorization and building and site permit applications for (1) the construction or~~  
7 ~~substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain~~  
8 ~~requirements of this Code where the provisions of this Section are invoked, and (3) the~~  
9 ~~approval of open space and streetscape requirements of the Planning Code. When any action~~  
10 ~~authorized by this Section is taken, any determination with respect to the proposed project~~  
11 ~~required or authorized pursuant to CEQA may also be considered. This Section 309 shall not~~  
12 ~~require review for any project where the principal use is housing comprised solely of housing~~  
13 ~~that is restricted for a minimum of 55 years as affordable for “persons and families of low or~~  
14 ~~moderate income,” as defined in California Health & Safety Code Section 50093, provided~~  
15 ~~that the site is not designated as public open space or under the jurisdiction of the San~~  
16 ~~Francisco Recreation and Park Department. If any non-residential uses contained in the~~  
17 ~~project would otherwise require review under this Section 309, such requirement would apply~~  
18 ~~unless the non-residential use is accessory to and supportive of the affordable housing on-~~  
19 ~~site. Upon request, the Zoning Administrator shall make a written determination about~~  
20 ~~whether a site is designated as public open space, which determination may be appealed to~~  
21 ~~the Board of Appeals. This Section 309 shall not require additional review in connection with~~  
22 ~~a site or building permit application if review hereunder was completed with respect to the~~  
23 ~~same proposed structure or alteration in connection with a project authorization application~~  
24 ~~pursuant to Section 322.~~

25 ~~\* \* \* \*~~

1           SEC. 329. ~~LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS~~  
2 ~~MIXED USE DISTRICTS.~~

3           ~~—— (a) Purpose. The purpose of this Section is to ensure that all large projects proposed~~  
4 ~~in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission,~~  
5 ~~in an effort to achieve the objectives and policies of the General Plan, the applicable Design~~  
6 ~~Guidelines, and the purposes of this Code.~~

7           ~~—— (b) Applicability.~~

8           ~~—— (1) This Section 329 applies to all projects in the Eastern Neighborhoods Mixed~~  
9 ~~Use Districts, except projects in the Western SoMa Special Use District, subject to Section~~  
10 ~~823(c)(12), that meet at least one of the following criteria:~~

11           ~~—— (1 A) The project includes the construction of a new building greater~~  
12 ~~than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a~~  
13 ~~vertical addition to an existing building with a height of 75 feet or less resulting in a total~~  
14 ~~building height greater than 75 feet; or~~

15           ~~—— (2 B) The project involves a net addition or new construction of more~~  
16 ~~than 25,000 gross square feet.~~

17           ~~—— (2) This Section 329 shall not apply to any project where the principal use is housing~~  
18 ~~comprised solely of housing that is restricted for a minimum of 55 years as affordable for~~  
19 ~~“persons and families of low or moderate income,” as defined in California Health & Safety~~  
20 ~~Code Section 50093, and is not located on a site designated as public open space or under~~  
21 ~~the jurisdiction of the San Francisco Recreation and Park Department. If any non-residential~~  
22 ~~uses contained in the project otherwise would require large project authorization or~~  
23 ~~conditional use authorization, such requirement would apply unless the non-residential use is~~  
24 ~~accessory to and supportive of the affordable housing on-site. Upon request, the Zoning~~  
25

1 ~~Administrator shall make a written determination about whether a site is designated as public~~  
2 ~~open space, which determination may be appealed to the Board of Appeals.——~~

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

8  
9 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the “Note” that appears under  
14 the official title of the ordinance.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By: \_\_\_\_\_  
19 KATE H. STACY  
20 Deputy City Attorney

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