

1 [Planning Code - 100% Affordable Housing]

2

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

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. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
25 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, 1.7, 2, and 2.5 of the Planning Code are hereby amended by  
16 revising Sections 145.1, 145.4, 188, 205.5, 270.2, and 270.3, and adding Section 210.6, to  
17 read as follows:

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

21 \* \* \* \*

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

1 \* \* \* \*

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

10 \* \* \* \*

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

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

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

25 (3) **Active Use Requirement.** The active use requirement in subsection (c)(3) shall not

1 apply to any project where all residential units, except for a manager's unit, are affordable housing  
2 units as defined in Section 406(b)(1)(A)-(C).

3  
4 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

5 \* \* \* \*

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

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

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

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

14  
15 **SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS,**  
16 **AND RECONSTRUCTION.**

17 (a) Within the limitations of this Article 1.7, and especially Sections 172 and 180  
18 hereof, and notwithstanding Sections 188(a)(1) and 188.1, a noncomplying structure as  
19 defined in Section 180 may be enlarged, altered, or relocated, or undergo a change or  
20 intensification of use in conformity with the use limitations of this Code, provided that with  
21 respect to such structure there is no increase in any discrepancy, or any new discrepancy, at  
22 any level of the structure, between existing conditions on the lot and the required standards  
23 for new construction set forth in this Code, and provided the remaining requirements of this  
24 Code are met.

25 \* \* \* \*

1 (h) Notwithstanding subsection (a) of this Section 188, a noncomplying structure that was  
2 legally established as a Residential Care Facility on or before the effective date of the ordinance in  
3 Board File No. 251213 may be enlarged and/or altered to develop a Residential Care Facility Adaptive  
4 Reuse Project in accordance with Section 210.6.

5  
6 **SEC. 205.5. TEMPORARY USES: INTERIM ACTIVITIES ON DEVELOPMENT**  
7 **SITES.**

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

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

14 “100% Affordable Housing Project” means a project located on a site identified through a  
15 notice of funding availability, request for qualifications, land acquisition or dedication, or other formal  
16 development opportunity administered by the Mayor’s Office of Housing and Community Development  
17 where all residential units, except for a manager’s unit, are affordable housing units as defined in  
18 Section 406(b)(1)(A)-(C).

19 “Development Project” means (1) a project for which a development application and  
20 any associated fees have been submitted and accepted to obtain all required land use  
21 entitlements and permits, including any environmental review, for a project that proposes to  
22 demolish an existing structure or work that is tantamount to demolition, as defined in Section  
23 317, ~~or~~ (2) a project that proposes sufficient changes to the site such that the Director  
24 determines Interim Activities are appropriate, or (3) a 100% Affordable Housing Project.

25 “Interim Activity” means any Arts Activities Use; any Entertainment, General Use;

1 and/or any Use Principally Permitted in the subject zoning district. For 100% Affordable Housing  
2 Projects, sites where the Development Project will construct Affordable Housing Project(s) as defined  
3 in Section 315, Interim Activity shall also include any Private Parking Garage, Public Parking  
4 Garage, Private Parking Lot, Public Parking Lot, Vehicle Storage Garage, and Vehicle  
5 Storage Lot.

6 (c) **Application.** The property owner or the property owner’s authorized agent  
7 (“Applicant”) shall submit an application for temporary use to the Planning Department, on a  
8 form prepared by the Planning Department. The application shall be accompanied by the  
9 applicable fees pursuant to Planning Code Section 350 and shall include an affidavit signed  
10 by the Applicant and, as applicable, each tenant occupying any portion of the eligible site for  
11 the Interim Activity, or each tenant’s authorized agent, acknowledging that the use of the  
12 eligible site for the Interim Activity is temporary and subject to the time limits set forth in this  
13 Section 205.5 and acknowledging that the Applicant has to pay any outstanding fees,  
14 invoices, or penalties owed to City agencies, and is in compliance with all requirements of the  
15 Municipal Code, including any requirements to file Updates to Institutional Master Plans and  
16 abate any Code or Building Code violations. The Applicant shall not be required to pay  
17 additional fees set forth in Article 4 of the Planning Code as a prerequisite to obtaining  
18 temporary use authorization pursuant to this Section 205.5.

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

22 (e) **New Tenants.** Additional or different tenants (each a “New Tenant”) may  
23 commence occupancy within and use of the eligible site in question without additional  
24 applications or fees, provided that each New Tenant submits a completed affidavit to the  
25 Department attesting to the truthfulness and correctness of the previously submitted

1 application and declaring that the New Tenant will not discontinue, add to, or modify the  
2 approved Interim Activity.

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

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

15  
16 **SEC. 210.6. RESIDENTIAL CARE FACILITY ADAPTIVE REUSE PROGRAM.**

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

21 (b) **Definitions.**

22 *“100% Affordable Housing Project” shall mean a project where all residential units,*  
23 *except for a manager’s unit, are affordable housing units as defined in Section 406(b)(1)(A)-(C).*

24 *“Residential Care Facility Adaptive Reuse Project” shall mean a project that includes a*  
25 *change of use of existing Gross Floor Area from a Residential Care Facility, as that term is defined in*

1 Planning Code Section 102, to a 100% Affordable Housing Project.

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

6 (1) Use. A Residential Care Facility Adaptive Reuse Project shall be principally  
7 permitted in any use district where a 100% Affordable Housing Project is principally or conditionally  
8 permitted.

9 (2) Density. Form-Based Density shall apply.

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

13 (4) Design Standards. Citywide Objective Design Standards and Residential Design  
14 Guidelines shall not apply.

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

17 (6) Dwelling Unit Mix. Sections 207.6 (Required Minimum Dwelling Unit Mix in RTO-  
18 1, RTO-M, RCD, NCT, DTR, Eastern Neighborhoods Mixed Use Districts, the Van Ness & Market  
19 Residential Special Use District, and the Polk Street and Pacific Avenue Neighborhood Commercial  
20 Districts) and 207.7 (Required Minimum Dwelling Unit Mix) shall not apply.

21 (7) Zoning Procedures. Sections 202.14 (Limitation on Change in Use or Demolition  
22 of Residential Care Facility) and 303(aa) (Conditional Uses - Change in Use or Demolition of  
23 Residential Care Facility) shall not apply.

24 (8) Development Impact Fees. Article 4 shall not apply.

25 (9) Definitions. The common space requirements of the “Group Housing” definition in

1 Section 102 shall not apply.

2 (10) Waivers. The Planning Director may also grant additional modifications to  
3 development standards established by this Code only when such modifications (1) improve overall  
4 project feasibility and (2) do not substantially reduce or increase the overall permitted building  
5 envelope. The following standards cannot be modified: maximum building height; maximum permitted  
6 accessory off-street parking amounts; wind standards; minimum density requirements; Floor Area  
7 Ratio limits; any standard set forth in Articles 1.7, 3, 3.5, 10, and 11 of the Planning Code; definitions;  
8 permitted land uses; the Transportation Demand Management Program under Section 169; and any  
9 standard or provision adopted by the voters.

10  
11 **SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK**  
12 **ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED**  
13 **USE DISTRICTS, SOUTH OF MARKET NEIGHBORHOOD COMMERCIAL TRANSIT**  
14 **DISTRICT, FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT,**  
15 **REGIONAL COMMERCIAL DISTRICT, C-3 DISTRICTS, AND DTR DISTRICTS.**

16 \* \* \* \*

17 (c) **Applicability.** This Section 270.2 applies to all new construction on parcels that  
18 have one or more street or alley frontages of over 200 linear feet on a block face longer than  
19 400 feet between intersections, and are in the C-3 Districts, if located south of Market Street,  
20 or in the South of Market Neighborhood Commercial Transit District, Folsom Street  
21 Neighborhood Commercial Transit District, Regional Commercial District, Eastern  
22 Neighborhoods Mixed Use Districts, or DTR Districts, except for parcels in the RH DTR  
23 District, which are subject to Section 827. This Section 270.2 shall not apply to lots that contain a  
24 project where all residential units, except for a manager’s unit, are affordable housing units as defined  
25 in Section 406(b)(1)(A)-(C).

1 \* \* \* \*

2  
3 **SEC. 270.3. SPECIAL BULK REQUIREMENTS: MID-BLOCK ALLEYS IN LARGE**  
4 **LOT DEVELOPMENT OUTSIDE OF THE EASTERN NEIGHBORHOODS MIXED USE**  
5 **DISTRICTS, SOUTH OF MARKET COMMERCIAL TRANSIT DISTRICT, FOLSOM STREET**  
6 **NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, REGIONAL COMMERCIAL**  
7 **DISTRICT, C-3 AND DTR DISTRICTS.**

8 \* \* \* \*

9 (c) **Applicability.** This Section 270.3 applies to all development lots not subject to the  
10 requirements of Section 270.2, and except as provided in subsection (c)(3) below, ~~development lots~~  
11 ~~in PDR districts or that contain exclusively government or Public Facilities,~~ that:

12 (1) Are two acres or larger; and/or

13 (2) Have a frontage of 200 feet or greater on a single block face that is 400 feet  
14 or greater, or-

15 (3) Development lots that meet any of the following requirements:

16 (A) are located in PDR districts;

17 (B) contain exclusively government-owned facilities or Public Facilities; or

18 (C) contain a project where all residential units, except for a manager's unit,  
19 are affordable housing units as defined in Section 406(b)(1)(A)-(C);

20 \* \* \* \*

21  
22 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the “Note” that appears under  
2 the official title of the ordinance.

3  
4 Section 5. Effective Date. This ordinance shall become effective on the 31st day 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 APPROVED AS TO FORM:  
10 DAVID CHIU, City Attorney

11 By: /s/ Giulia Gualco-Nelson  
12 GIULIA GUALCO-NELSON  
13 Deputy City Attorney

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