

## **LEGISLATIVE DIGEST**

[Planning Code - 100% Affordable Housing]

**Ordinance amending the Planning Code to exempt 100% affordable housing developments from active use and ground floor commercial use requirements, expand temporary use authorizations to 100% affordable housing developments that have not submitted a development application, and facilitate the conversion of Residential Care Facilities to 100% affordable housing developments by exempting such adaptive reuse projects from certain residential use and development standards; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

### **Existing Law**

Planning Code Section 406(b)(1) defines a 100% affordable housing development as housing that is "affordable to a household earning up to 120% of the Area Median Income," among other criteria. Planning Code Section 102 defines a Residential Care Facility as "an Institutional Healthcare Use providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California." Some Planning Code requirements that apply to Residential Uses—such as density, open space, rear yard, and residential impact fees—do not apply to Institutional Uses. A project proposing to convert a Residential Care Facility into a Residential Use would need to satisfy residential development standards.

The Planning Code imposes various street frontage controls, including the requirement that buildings provide active uses on the ground floor (Section 145.1) and ground floor commercial uses (Section 145.4).

The Planning Code authorizes temporary, interim activities on sites with active development applications (Section 205.5).

### **Amendments to Current Law**

This ordinance would exempt projects where all residential units, except for a manager's units, are 100% affordable housing units from ground floor commercial and ground floor active use requirements.

This ordinance would enable 100% affordable housing projects without an active development application to conduct interim activities on future development sites. To be eligible to conduct these interim activities, such as temporary parking lots, the 100% affordable housing project

must be located on a site identified through a notice of funding availability, request for qualifications, land acquisition or dedication, or other formal development opportunity administered by the Mayor's Office of Housing and Community Development.

This ordinance would create the "Residential Care Facility Adaptive Reuse Program" (Planning Code Section 210.6) to facilitate the conversion of Residential Care Facilities into 100% affordable housing projects. The Residential Care Facility Adaptive Reuse Program would exempt eligible adaptive reuse projects from certain residential development standards, including:

- Numeric density limits
- Certain Article 1.2 development standards, including open space and rear yard requirements
- Citywide Objective Design Standards and Residential Design Guidelines
- Bicycle parking (Sections 155.1, 155.2) and Car Share requirements (Section 166)
- Conditional Use requirements for changes in use of a Residential Care Facility
- All Article 4 development impact fees
- Common space requirements of the Group Housing definition (Section 102)

The foregoing exceptions apply only to the Residential Use component of an eligible project; Non-Residential Uses must satisfy all applicable Planning Code requirements.

#### Background Information

This ordinance contains findings regarding the need to remove governmental constraints on housing. This ordinance removes such constraints by enabling affordable housing sites to be temporarily activated while the economic climate recovers and providing flexibility for new affordable housing developments.