

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

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

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NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~striketrough normal~~.

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

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Section 1. Findings. The Board of Supervisors of the City and County of San

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Francisco hereby finds and determines that:

1 (a) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. _____ and is incorporated herein by
5 reference.

6 (b) On _____, 2011, the Planning Commission, in Resolution
7 No. _____ approved and recommended for adoption by the Board of Supervisors
8 this legislation and adopted findings that it is consistent, on balance, with the City's General
9 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
10 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
11 Supervisors in File No. _____, and is incorporated by reference herein.

12 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
13 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
14 Planning Commission Resolution No. _____, and incorporates such reasons by
15 reference herein.

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17 Section 2. The San Francisco Planning Code is hereby amended by adding Section
18 102.36, to read as follows:

19 **SEC. 102.36. STUDENT HOUSING.**

20 *Student Housing is a living space for students of accredited post-secondary Educational*
21 *Institutions that may take the form of dwelling units, group housing, or a SRO. Unless expressly*
22 *provided for elsewhere in this Code, the use of Student Housing is permitted where the form of*
23 *housing is permitted in the underlying Zoning District in which it is located. Student Housing must be*
24 *owned, operated or otherwise controlled by an accredited post-secondary Educational Institution, as*
25 *defined in Section 209.3(i) of this Code. Student Housing may consist of all or part of a building.*

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2 Section 3. The San Francisco Planning Code is hereby amended by amending Section
3 135(d)(2), to read as follows:

4 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**
5 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**

6 (d)(2) For group housing structures, ~~and~~ SRO units, *and dwelling units that measure less*
7 *than 350 square feet plus a bathroom,* the minimum amount of usable open space provided for
8 use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in
9 Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot
10 shall in no case be considered to be less than one bedroom for each two beds. Where the
11 actual number of beds exceeds an average of two beds for each bedroom, each two beds
12 shall be considered equivalent to one bedroom.

13 Section 4. The San Francisco Planning Code is hereby amended by amending Section
14 207.6(b)(3), to read as follows:

15 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND**
16 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

17 (3) This Section does not apply to buildings for which 100 percent of the residential
18 uses are: group housing, dwelling units which are provided at below market rates pursuant to
19 Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, ~~s~~Student ~~H~~Housing (as
20 defined in Sec. ~~315.1.38~~106.36), or housing specifically and permanently designated for
21 seniors or persons with physical disabilities.

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23 Section 5. The San Francisco Planning Code is hereby amended by adding Section
24 307(j), to read as follows:

25 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

1 (j) Conversion from Student Housing to Non-Student Residential Use. If a residential
2 project no longer qualifies as Student Housing as defined in Planning Code Section 102.36, the Zoning
3 Administrator may allow the conversion of the Student Housing to any permitted residential use in the
4 zoning district in which the Student Housing is located upon determination that the converted Student
5 Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined
6 in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable
7 to that residential use have been met or modified through appropriate procedures.

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9 Section 6. The San Francisco Planning Code is hereby amended by amending
10 Section 312(c), to read as follows:

11 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (c) Changes of Use. In NC Districts, all building permit applications for a change of
14 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
15 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
16 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as
17 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
18 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as
19 defined in Section 790.93, a massage establishment, as defined in Section 790.60, an
20 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined
21 in Sections 790.36 and 790.38, ~~or~~ a fringe financial service use, as defined in Section
22 790.111, or Group Housing as defined in Section 790.88(b) shall be subject to the provisions of
23 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit
24 applications for a change of use from any one land use category to another land use category
25 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage

1 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
2 provisions of Subsection 312(d).

3 For the purposes of this Subsection, "land use category" shall mean those categories
4 used to organize the individual land uses which appear in the use tables in Article 8,
5 immediately preceding a group of individual land uses, and include the following: residential
6 use, institutional use, retail sales and service use, assembly, recreation and entertainment
7 use, office use, motor vehicle services use, industrial home and business service use, or other
8 use.

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10 Section 7. The San Francisco Planning Code is hereby amended by amending Section
11 317, subsections (b)(1) and (f)(1), to read as follows:

12 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
13 **DEMOLITION.**

14 (b)(1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
15 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
16 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
17 to a non-residential use. The change of occupancy from a dwelling unit, group housing, or SRO to
18 Student Housing is also considered a conversion of a residential unit. Notwithstanding the
19 foregoing, the change of use or occupancy of a dwelling unit, group housing, or SRO to
20 Student Housing is not considered a conversion of a residential unit if the dwelling unit, group
21 housing or SRO (i) was built by the post-secondary Educational Institution that will own,
22 operate or otherwise control the Student Housing; (ii) is in a convent, monastery (or similar
23 religious order facility); or (iii) is on a lot directly adjacent to the post-secondary Educational
24 Institution that will own, operate or otherwise control the Student Housing, so long as the lot
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1 has been owned by the post-secondary Educational Institution for at least ten years as of the
2 effective date of this ordinance.

3 (f) Loss of Residential Units Through Conversion.

4 (1) Conversion of Residential Units not otherwise subject to Conditional Use
5 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
6 building permit application at a Mandatory Discretionary Review hearing. *The conversion of*
7 *residential uses units to Student Housing is prohibited. For the purposes of this subsection,*
8 *residential uses units that have been defined as such by the time a First Certificate of Occupancy has*
9 *been issued by the Department of Building Inspection for new construction shall not be converted to*
10 *Student Housing.*

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12 Section 8. The San Francisco Planning Code is hereby amended by amending the
13 definitions of "Qualified Student Housing Project" and "Student Housing" in Section 401, to
14 read as follows:

15 **SEC. 401. DEFINITIONS.**

16 "Qualified Student Housing Project" shall mean any *Student hHousing* project that
17 contains housing for Qualified Students and which may also contain housing for persons who
18 are enrolled students but not Qualified Students, created either through new construction or
19 conversion of an existing building or space. *A Qualified Student Housing Project may consist of*
20 *all or part of a building.*

21 "Student ~~hHousing.~~" *A building where 100 percent of the residential uses are affiliated with*
22 *and operated by an accredited post-secondary educational institution. Typically, student housing is for*
23 *rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for*
24 *one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use*
25 *Districts. As defined in Planning Code Section 102.36.*

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Section 9. The San Francisco Planning Code is hereby amended by amending Section 214, to add a new subsection (k), to read as follows:

SEC. 124. BASIC FLOOR AREA RATIO.

(k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of a project, or portion thereof, that constitutes a Qualified Student Housing Project, as defined in Section 401 of this Code. Such approval shall be subject to the conditional use procedures and criteria in Section 303 of this Code.

Section 10. The San Francisco Planning Code is hereby amended by amending Table 814, in Section 814, and by adding a new # to the Specific Provisions section of that Table, to read as follows:

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|-----------|-----------------|--------------------------------------|----|
| 814.16(a) | Student Housing | § 315.1(38) <u>102.36</u> | C# |
|-----------|-----------------|--------------------------------------|----|

SPECIFIC PROVISIONS FOR SPD DISTRICTS

| Article Code Section | Other Code Section | Zoning Controls |
|----------------------|--------------------|--|
| <u>§ 814.16</u> | <u>§ 102.36</u> | <u>Student Housing generally is permitted where the particular form of housing is permitted in the underlying Zoning District in which it is located (see Section 102.36.) However, in the South</u> |

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| | | <u>Park District Student Housing is subject to a conditional use requirement subject to Section 303.</u> |
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Section 11. The San Francisco Planning Code is hereby amended by amending Tables 840, 841, 842 and 843, in Sections 840, 841, 842 and 843, to read as follows:

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|--------|-----------------|-------------|---|
| 840.23 | Student Housing | § 315.1(38) | € |
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|--------|-----------------|-------------|---|
| 841.23 | Student Housing | § 315.1(38) | € |
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|--------|-----------------|-------------|---|
| 842.23 | Student Housing | § 315.1(38) | € |
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|--------|-----------------|-------------|---|
| 843.23 | Student Housing | § 315.1(38) | € |
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Section 12. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 13. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent parts of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance to the "Note" that appears under the official title of this legislation. This Ordinance

1 shall not be construed to effectuate any unintended amendments. Any additions or deletions
2 not explicitly shown as described above, omissions, or other technical and non-substantive
3 differences between this Ordinance and the Planning Code that are contained in this
4 legislation are purely accidental and shall not effectuate an amendment to the Planning Code.
5 The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
6 affected City departments, to make those necessary adjustments to the published Planning
7 Code, including non-substantive changes such as renumbering or relettering, to ensure that
8 the published version of the Planning Code is consistent with the laws that this Board enacts.

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10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

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12 By: _____
ANDREA RUIZ-ESQUIDE
13 Deputy City Attorney
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