

1 [Planning Code - Dwelling Unit Density]

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3 **Ordinance amending the Planning Code to exclude Affordable Housing Units as**  
4 **defined from density calculations for projects that provide at least 20% of their units as**  
5 **Affordable Units and amending density calculations under certain scenarios; adopting**  
6 **findings, including environmental findings, Section 302 findings, and findings of**  
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
8 **Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
12 **Board amendment additions** are in Arial font.  
13 **Board amendment deletions** are in ~~Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

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

17

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

23 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning  
24 Code amendments will serve the public necessity, convenience, and welfare for the reasons  
25 set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates  
such reasons herein by reference. A copy of Planning Commission Resolution No.  
\_\_\_\_\_ is on file with the Board of Supervisors in File No. \_\_\_\_\_.

1 (c) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.  
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7 Section 2. The Planning Code is hereby amended by revising Section 207.1, to read  
8 as follows:

9 **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.**

10 In districts which establish a maximum dwelling unit density, the ~~The~~ following rules shall  
11 apply in the calculation of dwelling unit densities under this Code:

12 (a) The entire amount of lot area per dwelling unit specified by the Code in Sections  
13 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot. ~~Fractional numbers~~  
14 ~~shall be adjusted downward to the next lower whole number of dwelling units. A remaining fraction of~~  
15 ~~one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the~~  
16 ~~next higher whole number of dwelling units.~~

17 (b) Where permitted by this Code, the provisions of Sections 207.5, 209.1 and 209.2 of  
18 ~~this Code,~~ two or more of the dwelling and other housing uses specified in the Code said sections  
19 may be located on a single lot, either in one structure or in separate structures, provided that  
20 the specified density limits are not exceeded by the total of such combined uses. Where  
21 dwelling units and group housing are combined, the maximum permitted density for dwelling  
22 units and for group housing shall be prorated to the total lot area according to the quantities of  
23 these two uses that are combined on the lot.

24 (c) Where any portion of a lot is narrower than five feet, such a portion shall not be  
25 counted as part of the lot area for purposes of calculating the permitted dwelling density.

1 (d) No private right-of-way used as the principal vehicular access to two or more lots  
2 shall be counted as part of the lot area of any such lot for purposes of calculating the  
3 permitted dwelling unit density.

4 (e) Where a lot is divided by a use district boundary line, the dwelling unit density  
5 limit for each district shall be applied to the portion of the lot in that district, and none of the  
6 dwelling units attributable to the district permitting the greater density shall be located in the  
7 district permitting the lesser density.

8 (f) In NC Districts, the density limit shall be as specified in the zoning control table for the  
9 district, or that of the nearest Residential or Residential-Commercial District, whichever permits the  
10 greater density. The distance to each Residential or Residential-Commercial District shall be measured  
11 from the midpoint of the front lot line or from a point directly across the street therefrom, whichever  
12 permits the greater density.

13 (g) In projects in which 20% or more of the dwelling units are “Affordable Units,” the  
14 Affordable Units shall not count towards the calculation of dwelling unit density. For purposes of  
15 Section 207.1, “Affordable Units” shall be defined as meeting (1) the criteria of Section 406(b), (2) the  
16 requirements of Section 415 et seq. for on-site units, or (3) restricted units in a project using California  
17 Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under  
18 the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable  
19 Units” that are not restricted by any other program, the Planning Commission or Department may  
20 enter into a written agreement with a project sponsor who has a project utilizing this subsection (g) or  
21 subsection (h) to restrict the units as affordable under Planning Code Section 415 up to a maximum of  
22 20 percent of the units in the principal project.

23 (h) ~~In the~~ RTO Districts, dwelling units that are “Affordable Units,” as defined in subsection  
24 (g) affordable (meeting the criteria of Section 406(b) or the requirements of Section 415) shall not  
25 count toward density calculations or be limited by lot area.

1            (i) A project sponsor will not be eligible for the waiver of density for the Affordable Units  
2 under subsections (g) or (h) of this Section if the project:

3            (1) is located in an RH-1 or RH-2 zoning district;

4            (2) seeks and receives a density bonus under the provisions of California Government Code  
5 Section 65915.

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

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

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_  
22 Susan Cleveland-Knowles  
23 Deputy City Attorney

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