

File No. 140519

Committee Item No. _____

Board Item No. 39

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date May 20, 2014

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>BOS File No. 140036 Ordinance Text</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>BOS File No. 140036 Leg Digest</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: John Carroll Date May 15, 2014

Completed by: _____ Date _____

1 [Approval of a 55-Day Extension for Planning Commission Review of an Ordinance (File No.
2 140036) Excluding Affordable Housing Units from Density Calculations Under Certain
3 Conditions]

4 **Resolution extending by 55 days the prescribed time within which the Planning**
5 **Commission may render its decision on a Ordinance (File No. 140036) amending the**
6 **Planning Code to exclude Affordable Housing Units as defined from density**
7 **calculations for projects that provide at least 20% of their units as Affordable Units and**
8 **amending density calculations under certain scenarios; adopting findings, including**
9 **environmental findings, Section 302 findings, and findings of consistency with the**
10 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

11
12 WHEREAS, On January 14, 2014, Supervisor Wiener introduced an Ordinance
13 amending the Planning Code to exclude Affordable Housing Units as defined from density
14 calculations for projects that provide at least 20% of their units as Affordable Units and
15 amending density calculations under certain scenarios; adopting findings, including
16 environmental findings, Section 302 findings, and findings of consistency with the General
17 Plan, and the eight priority policies of Planning Code, Section 101.1; a copy of which is on file
18 with the Clerk of the Board of Supervisors in File No. 140036 and is incorporated herein by
19 reference; and

20 WHEREAS, On or about January 24, 2014, the Clerk of the Board of Supervisors
21 referred the proposed ordinance to the Planning Commission, which currently is reviewing the
22 proposed ordinance; and

23 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by
24 Resolution, extend the prescribed time within which the Planning Commission is to render its
25

1 decision on proposed amendments to the Planning Code that the Board of Supervisors
2 initiates; and

3 WHEREAS, Supervisor Wiener has requested additional time for the Planning
4 Commission to review the proposed Ordinance; and

5 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
6 Commission additional time to review the proposed Ordinance and render its decision; now,
7 therefore, be it

8 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
9 within which the Planning Commission may render its decision on the proposed Ordinance for
10 approximately 55 additional days, until June 19, 2014.

1 [Planning Code - Dwelling Unit Density]

2

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 10 1.1.

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 *strikethrough italics Times New Roman font*.
12 Board amendment additions are in double-underlined Arial font.
13 Board amendment deletions are in ~~strikethrough Arial font~~.
14 Asterisks (* * * *) indicate the omission of unchanged Code
15 subsections or parts of tables.

13

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

15

16 Section 1. Findings.

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

21 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning
22 Code amendments will serve the public necessity, convenience, and welfare for the reasons
23 set forth in Planning Commission Resolution No. _____ and the Board incorporates
24 such reasons herein by reference. A copy of Planning Commission Resolution No.
25 _____ 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.
6

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.

6
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.

11
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

24 n:\egana\as2014\1400328\00896291.doc

LEGISLATIVE DIGEST

[Planning Code - Dwelling Unit Density]

Ordinance amending the Planning Code to exclude Affordable Housing Units as defined from density calculations for projects that provide at least twenty (20) percent of their units as Affordable Units and amending density calculations under certain scenarios; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Existing Law

Section 207.1 of the Planning Code currently provides for rules related to the calculation of dwelling unit density. In calculating dwelling unit density, the Code currently states that fractional numbers shall be adjusted downward to the the next lower whole number of dwelling units. The Code provides that, in Residential Transit Oriented (RTO) districts only, Affordable Units, defined as units that meet the affordability requirements of Section 406 or 415 of the Planning Code will not count toward the calculation of density. Sections 406 and 415 require units to be restricted as affordable at or below a certain Area Median Income by a governmental entity for a certain time period.

Amendments to Current Law

The Proposed legislation clarifies several issues related to the calculation of dwelling unit densities. It provides that Section 207.1 addressing the calculation of dwelling unit density only applies in districts that establish a maximum dwelling unit density. It also provides that, if a calculation of density results in a fraction of over one-half, the number shall be rounded up to the nearest whole number of dwelling units. The Legislation also establishes how to determine the dwelling unit density in NC districts.

The Proposed Legislation also provides that "Affordable Units" as defined in the ordinance, will not count toward the calculation of dwelling unit density for a project if 20 percent or more of the project's units are Affordable Units. Similar to the existing provision for RTO districts, the Proposed Legislation defines "Affordable Units" for purposes of Section 207.1 as units that meet the requirements of Planning Code Section 406(b) or on site Inclusionary Units under Section 415. And, it expands the definition to include units restricted as part of certain tax credit projects. In all cases, the units are restricted at or below a certain Area Median Income by a governmental entity for a certain time period. If a project sponsor requests, the Proposed Legislation also authorizes the Planning Department or the Planning Commission to restrict units through the Inclusionary Housing Program up to a maximum of 20 percent of the units if the Affordable Units are not otherwise restricted. The Proposed Legislation continues to provide that any Affordable Unit in a project located in an RTO district will not count toward the calculation of dwelling unit density.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Wiener

Subject:

Approval of a 55-Day Extension for Planning Commission Review of an Ordinance that would amend the Planning Code to exclude Affordable Housing Units from density calculations under certain conditions (File No. 140036)

The text is listed below or attached:

Resolution extending by 55 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 140036) amending the Planning Code to exclude Affordable Housing Units as defined from density calculations for projects that provide at least twenty (20) percent of their units as Affordable Units and amending density calculations under certain scenarios; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Signature of Sponsoring Supervisor:

Scott Wiener

For Clerk's Use Only: