1    [Housing Legislation – R Districts.]

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3    **Ordinance amending the San Francisco Planning Code by amending Section 253 that**

4    **currently requires conditional use approval for residential construction over 40 feet in**

5    **residential districts with height limits over 40 feet to add an exception for housing**

6    **projects that include at least 12 percent affordable units and meet other requirements**

7    **of the Inclusionary Affordable Housing Program; and making a determination of**

8    **consistency with the priority policies of Planning Code Section 101.1(b).**

9        Note:            Additions are *single-underline italics Times New Roman*;
                        deletions are ~~*strikethrough italics Times New Roman*~~.
10                       Board amendment additions are <u>double underlined</u>.
                        Board amendment deletions are ~~strikethrough normal~~.
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12    Be it ordained by the People of the City and County of San Francisco:

13    **Section 1: FINDINGS.**

14        1.     The population of California has grown by more than 11 percent since 1990.

15   During the next twenty years, California is expected to add more than five million new jobs to

16   its economy.  This economic growth is expected to be accompanied by the addition of more

17   than 20 million new residents, a population increase equal to that experienced during the

18   boom years of the 1950's, 1960's and 1970's combined.  As California grows, the State

19   Legislature and local governments will need to determine where to locate additional housing

20   in a fiscally and environmentally sustainable manner consistent with sound urban planning

21   practices.

22        2.     There is a regional need to encourage new housing in existing cities, such as

23   San Francisco, to accommodate the additional population, while protecting the region's

24   greenbelt and reducing over-dependence on the private automobile for commuting.

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1    3.    San Francisco already is experiencing a severe shortage of both affordable and

2    market-rate housing, resulting in a sharp increase in rents and home prices.  Rental vacancy

3    rates are at an all time low.

4    4.    The production of new affordable and market-rate housing in San Francisco has

5    fallen far short of the level needed to meet housing demand.  Between 1990 and 1999, the

6    population of San Francisco increased by approximately 66,000 persons, from 724,000 to

7    790,000, yet only 8,500 new housing units were built.  In order to maintain the 1990 ratio of

8    housing units to population, approximately 20,000 additional housing units would have to have

9    been constructed during this period.  The Association of Bay Area Governments forecasts that

10   San Francisco's population will reach approximately 810,000 by 2010, further increasing the

11   need for new housing.

12   5.    Obstacles to increased housing production include certain unintended and

13   unnecessary impediments to residential development contained in the City's Planning Code.

14   These impediments include restrictions on new housing in residential areas where the height

15   limit exceeds 40 feet.

16   6.    Without certain amendments to the Planning Code to remove these

17   unnecessary impediments to residential development, the supply of new affordable and

18   market-rate housing will continue to fall short of that needed to meet further demand.

19   7.    Amendments to the Planning Code are among the tools available to the City to

20   encourage new housing production in a manner that enhances existing neighborhoods and

21   creates new residential and mixed-use neighborhoods.

22   8.     The amendments made herein are consistent with the General Plan and the

23   eight priority policies of Section 101.1(b) of the City Planning Code as found by the Planning

24   Commission in Resolution No. ____, dated _____.  This Resolution can be found in the Clerk

25   of the Board's File No. _____, and is herein incorporated by reference.

1    9.    The public necessity, convenience, and general welfare require these

2    amendments.

3        **Section 2.** The San Francisco Planning Code is hereby amended by amending Section

4    253 to read as follows:

5        **SEC. 253.  REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING**

6    **A HEIGHT OF 40 FEET IN R DISTRICTS.**

7        (a)    Notwithstanding any other provision of this Code to the contrary, in any R

8    District established by the use district provisions of Article 2 of this Code, wherever a height

9    limit of more than 40 feet is prescribed by the height and bulk district in which the property is

10   located, any building or structure exceeding 40 feet in height shall be permitted only upon

11   approval by the City Planning Commission according to the procedures for conditional use

12   approval in Section 303 of this Code *.; provided, however, that housing projects that contain at*

13   *least twelve percent units affordable to qualifying households and which otherwise comply with all*

14   *applicable requirements of the Inclusionary Affordable Housing Program, Planning Code Section 315*

15   *et seq., shall not be subject to this section.*

16       (b)    In reviewing any such proposal for a building or structure exceeding 40 feet in

17   height, the City Planning Commission shall consider the expressed purposes of this Code, of

18   the R Districts, and of the height and bulk districts, set forth in Sections 101, 206 through

19   206.3 and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the

20   objectives, policies and principles of the Master Plan, and may permit a height of such

21   building or structure up to but not exceeding the height limit prescribed by the height and bulk

22   district in which the property is located.

23       *(c)    For purposes of meeting the affordability requirements of sub-section (a), the definitions*

24   *in Planning Code Section 315.1 shall apply:*

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

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   By:    _____

4          SUSAN CLEVELAND-KNOWLES
         Deputy City Attorney

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