

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Olson Lee, Director, Mayor's Office of Housing and Community
Development
Tiffany Bohee, Executive Director, Office of Community Investment and
Infrastructure
Robert Collins, Acting Executive Director, Rent Board

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: May 24, 2016

SUBJECT: SUBSTITUTE - LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Yee on May 17, 2016.

File No. 160281-2

Ordinance amending the Planning Code to add an additional option for the dwelling unit mix of large buildings in specified zoning districts to allow developers to have a mix of two- and three-bedroom units that results in at least 50% of the bedrooms being in units that have more than one bedroom; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: andrea.ausberry@sfgov.org

c: Sonya Harris, Building Inspection Commission
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Sophie Hayward, Mayor's Office of Housing and Community Development
Eugene Flannery, Mayor's Office of Housing and Community Development
Natasha Jones, Commission on Community Investment and Infrastructure
Claudia Guerra, Commission on Community Investment and Infrastructure

1 [Planning Code - Dwelling Unit Mix Requirements]

2
3 **Ordinance amending the Planning Code to add an additional option for the dwelling**
4 **unit mix of large buildings in specified zoning districts to allow developers to have a**
5 **mix of two- and three-bedroom units that results in at least 50% of the bedrooms being**
6 **in units that have more than one bedroom; affirming the Planning Department's**
7 **determination under the California Environmental Quality Act; and making findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1, and findings of public necessity, convenience, and welfare under**
10 **Planning Code, Section 302.**

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
24 this determination.
25

1 (b) 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 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that
7 these Planning Code amendments will serve the public necessity, convenience, and welfare
8 for the reasons set forth in Planning Commission Resolution No. _____ and the Board
9 hereby incorporates such reasons herein by reference.

10
11 Section 2. The Planning Code is hereby amended by revising Sections 207.6 and 329,
12 to read as follows:

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

15 (a) **Purpose.** In order to foster flexible and creative infill development while
16 maintaining the character of the district, dwelling unit density is not controlled by lot area in
17 RTO, NCT, and Eastern Neighborhoods Mixed Use Districts but rather by the physical
18 constraints of this Code (such as height, bulk, setbacks, open space, and dwelling unit
19 exposure). However, to ensure an adequate supply of family-sized units in existing and new
20 housing stock, new residential construction must include a minimum percentage of units of at
21 least two 2 bedrooms.

22 * * * *

23 (c) **Controls.**

24 (1) For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3
25 districts, no less than 40% percent of the total number of dDdwelling #Units on site shall contain

1 at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the
2 nearest whole number of ~~d~~Dwelling ~~u~~Units. While existing ~~d~~Dwelling ~~u~~Units in buildings which
3 do not comply with this Subsection need not be expanded to meet this requirement, all new
4 ~~d~~Dwelling ~~u~~Units shall provide at least two bedrooms when less than 40% ~~percent~~ of the total
5 number of ~~d~~Dwelling ~~u~~Units contain less than two bedrooms.

6 (2) For all other RTO, RCD and NCT districts, as well as DTR and Eastern
7 Neighborhoods Mixed Use Districts, one of the following ~~two~~ three must apply;

8 (A) no less than 40% ~~percent~~ of the total number of proposed ~~d~~Dwelling
9 ~~u~~Units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be
10 rounded to the nearest whole number of dwelling units, ~~or~~

11 (B) no less than 30% ~~percent~~ of the total number of proposed ~~d~~Dwelling
12 ~~u~~Units shall contain at least three bedrooms. Any fraction resulting from this calculation shall
13 be rounded to the nearest whole number of dwelling units, or:

14 (C) at least 50% of the bedrooms are in units that have more than one bedroom.

15 * * * *

16 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED**
17 **USE DISTRICTS.**

18 * * * *

19 (d) **Exceptions.** As a component of the review process under this Section 329,
20 projects may seek specific exceptions to the provisions of this Code as provided for below:

21 * * * *

22 (6) Provision of the required minimum dwelling unit mix, as set forth in
23 Section 207.6, pursuant to the criteria of Section 305(c);

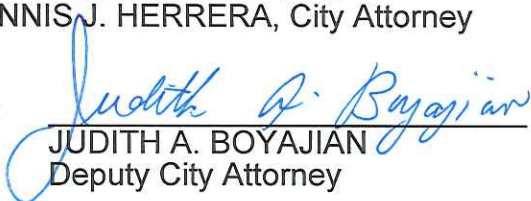
24 * * * *

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

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

13 By:


14 JUDITH A. BOYAJIAN
15 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Substituted, 5/17/2016)

[Planning Code - Dwelling Unit Mix Requirements]

Existing Law

Ordinance amending the Planning Code to add an additional option for the dwelling unit mix of large buildings in specified zoning districts to allow developers to have a mix of two- and three-bedroom units that results in at least 50% of the bedrooms being in units that have more than one bedroom; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 207.6 establishes the required minimum dwelling unit mix in the Residential Transit Oriented (RTO), Residential Commercial (RC), Neighborhood Commercial Transit (NCT), Downtown Residential (DTR), and Eastern Neighborhoods Mixed Use Districts. One of the following two options apply: (1) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms or (2) no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Planning Code Section 329 establishes guidelines for the review of large projects in Eastern Neighborhoods Mixed Use Districts, including the criteria under which a project may receive specific exceptions from Code requirements.

Amendments to Current Law

A third option is added to Section 207.6. The proposed amendment would allow a project to have a mix of two- and three-bedroom units that results in at least 50 percent of the bedrooms being in units that have more than one bedroom. Section 329 is amended to add the criteria for granting an exception to Section 207.6's dwelling unit mix requirement. These criteria were inadvertently deleted in previous legislation.

Background Information

The proposed amendment encourages a project sponsor to build larger, family-sized units.

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