

LEGISLATIVE DIGEST

[Planning Code - Exemption from Density Limits for Affordable and Unauthorized Units; Residential Care Facilities]

Ordinance amending the Planning Code to provide an exception from density limit calculations for all affordable units in projects not seeking and receiving a density bonus, permit the legalization of all unauthorized dwelling units notwithstanding a history of no-fault evictions, and principally permit residential care facilities for seven or more persons in all RH (Residential, House) zoning districts; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

Section 207 exempts affordable units from the calculation of density limits in projects where 20% or more of the dwelling units on the site are affordable so long as the project is not in an RH-1 or RH-2 zoning district, the project sponsor is not seeking a density bonus under other sections of the Planning Code, and the units meet the other requirements of the Code. If the affordable units to be provided are not restricted by any other program, the units shall be restricted as affordable under Planning Code Section 415.6 up to a maximum of 25% of the units in the principal project.

Section 207.3 permits the legalization of one unauthorized dwelling unit per lot. Units with a prior record of no-fault evictions may not be legalized.

Section 209.1 requires residential care facilities for seven or more persons to receive a conditional use authorization in RH-1(D), RH-1, RH-1(S), and RH-2 zoning districts.

Amendments to Current Law

Section 207 is amended to exempt all on-site affordable units from the calculation of density limits, so long as the project is not seeking a state density bonus and the units meet the other requirements of the Planning Code; the 25% cap on the number of units to be restricted if they are not restricted by any other program is deleted. Section 207.3 is amended to permit legalization of more than one unauthorized dwelling unit per lot, and to permit legalization of dwelling units with prior no-fault evictions. Section 209.1 is amended to principally permit residential care facilities for seven or more persons in RH-1, RH-1(S), RH-1(D), and RH-2 districts.

Background Information

Preserving San Francisco's rent-stabilized dwelling units is a crucial strategy for keeping housing affordable for San Francisco households and protecting San Franciscans from displacement.

In 2014, the Board of Supervisors adopted Ordinance 43-14, which permits the legalization of one unauthorized dwelling unit per lot. In 2016, the Board adopted Ordinance 33-16, which sought to prevent the loss of dwelling units by requiring a conditional use authorization to merge, demolish, or remove any unit, whether authorized or unauthorized. Ordinance 33-16 exempted units for which there is no path to legalization from its protections against demolition, merger, and conversion. This proposed ordinance will provide a path to legalization for any unauthorized unit and no longer compels the Planning Department to require removal of units which feasibly could be preserved as needed housing.

Unauthorized dwelling units add to the City's documented housing supply, diversify housing options in neighborhoods, and expand the City's rent-stabilized housing stock. By lifting the arbitrary limits on the number of unauthorized units that can be legalized in a building and permitting the retention of existing housing, the City can add to its supply of affordable housing while retaining the character of its neighborhoods.

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