File No. 191016 Committee Item No. 2
Board Item No. 15

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date** December 17, 2019

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Completed by: Erica Major **Date** December 6, 2019
Completed by: Erica Major **Date** December 10, 2019

BOARD of SUPERVISORS

City Hall
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

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: December 10, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 10, 2019

The following file should be presented as a COMMITTEE REPORT at the Board meeting, Tuesday, December 10, 2019. This item was acted upon at the Committee Meeting on Monday, December 9, 2019, at 1:30 p.m., by the votes indicated.

Item No. 44 **File No. 191016**

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Matt Haney - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Jon Givner, Deputy City Attorney

[Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text proposed by Proposition E, and uncodified text,** are in plain Arial font.
Additions to Code text proposed by Proposition E are in *single-underline italics Times New Roman font*.
Deletions to Code text proposed by Proposition E are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Planning Code Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 191016 and is incorporated herein by reference. The Board affirms this determination.

(b) On November 21, 2019, the Planning Commission, in Resolution No. 20570, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 191016, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 20570 and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 20570 is on file with the Clerk of the Board of Supervisors in File No. 191016.

Section 2. Article 2 of the Planning Code is hereby amended by revising Section 206.9, as proposed by Proposition E on the November 5, 2019 Consolidated Municipal Election ballot, to read as follows:

SECTION 206.9. 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING STREAMLINING PROGRAM.

(a) **Purpose**. The purpose of the 100% Affordable Housing and Educator Housing Streamlining Program is to facilitate the construction and development of 100% Affordable Housing Projects and Affordable Educator Housing Projects, as defined in subsection (b), in which Residential Units are affordable to Very-Low, Low, and Moderate Income Households.

(b) **Definitions**. The definitions of Section 102 and the definitions in Section 401 for "Area Median Income" or "AMI," "Housing Project," and "Life of the Project," shall generally apply to Section 206.9. The following definitions shall also apply, and shall prevail if there is a conflict with other sections of the Planning Code, including Section 206.2.

(1) "100% Affordable Housing." Residential Units that are deed-restricted for 55 years or the Life of the Project, whichever is longer and consistent with any applicable tax credit regulatory requirements, to be affordable to Very-Low, Low, or Moderate income households with an income up to 120% of the unadjusted area median family income (AMI) for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD.

(2) "100% Affordable Housing Project." A project for the development of Residential Units all of which are 100% Affordable Housing, up to a maximum overall average of 80% AMI across all Residential Units in the project. A 100% Affordable Housing Project may also include principally permitted non-residential uses on the ground floor, and non-residential uses that are accessory to and supportive of the affordable housing. Notwithstanding the foregoing, the maximum affordable rent or sales price for a Residential Unit in a 100% Affordable Housing Project may be no higher than 20% below median market rents or sales prices for that unit size in the neighborhood in which the project is located, which neighborhood shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall determine the allowable rents and sales prices, and the eligible households for such units accordingly.

(3) "Educator Housing Project." A project for the development of deed-restricted Residential Units all of which are restricted for the Life of the Project or 55 years, whichever is longer and consistent with any applicable tax credit regulatory requirements, to occupancy by at least one employee of the San Francisco Unified School District ("SFUSD") or San Francisco Community College District ("SFCCD"), as verified by the Planning Department or MOHCD. At least four-fifths of the units in an Educator Housing Project must be deed restricted for the Life of the Project or 55 years, whichever is longer and consistent with any applicable tax credit regulatory requirements to be affordable to households with an

income from 30% to 140% of the unadjusted area median family income (AMI), with an overall average of 100% AMI across all such units. Up to one-fifth of the units may be deed restricted up to a maximum 160% AMI for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD. An Educator Housing Project is also allowed to be a mixed-use development project with a maximum 20% of the gross building square footage designated for non-residential neighborhood-serving uses.

(A) No units in an Educator Housing Project shall be smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017, or smaller than 300 square feet for a studio.

(B) Any units in an Educator Housing Project with a rental rate set ~~*at*~~ *above* 120% of Area Median Income ~~*or above*~~ shall have a minimum occupancy of two persons.

(C) Notwithstanding any other provision of this Code, an Educator Housing Project shall include a minimum of ~~*30%*~~ *50%* of the total units as 2-bedroom units *or larger.* ~~*and a minimum of 20% of the total units as 3-bedroom units or larger.*~~

All references in this Section 206.9 to other sections of the Planning Code shall refer to those other sections as they may be amended from time to time after the effective date of the initiative measure enacting this Section 206.9.

(c) **Applicability**. A 100% Affordable Housing Project or Educator Housing Project under this Section 206.9 shall be a Housing Project that:

(1) is located in any zoning district that allows Residential Uses;

(2) is located on a lot or lots equal to or greater than 10,000 square feet;

(3) is not located on land under the jurisdiction of the Recreation and Parks Department for the purpose of a public park;

(4) meets the definition of a "100 Percent Affordable Housing Project" or an "Educator Housing Project" in subsection (b); and

(5) does not demolish, remove, or convert any Residential Units, and does not include any other parcel that has any Residential Units that would be demolished, removed, or converted as part of the project.

(d) **Density.** Notwithstanding any other provisions of this Code, density of an 100% Affordable Housing Project or Educator Housing Project shall not be limited by lot area or zoning district maximums but rather by the applicable requirements and limitations set forth elsewhere in this Code, including consistency with the Affordable Housing Bonus Program Design Guidelines, referenced in Section 315.1, as determined by the Planning Department.

(e) **Zoning Modifications.** Notwithstanding any other provision of this Code, 100% Affordable Housing Projects and Educator Housing Projects may select any or all of the following Planning Code modifications:

(1) Rear Yard. The required rear yard per Section 134 or any applicable special use district may be reduced to no less than 15 feet. Rear yards shall be provided with an open area at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. Projects located on corner parcels may meet the minimum rear yard requirement at the interior corner of the property provided that each horizontal dimension of the open space is a minimum of 15 feet, and that the open area is wholly or partially contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent properties, and provides for access to light and air to and views from adjacent properties.

(2) Open Space. The required common open space per Section 135 may be reduced to no less than 36 square feet of open space per unit.

(3) Inner Courts as Open Space. Inner courts qualifying as useable common open space per Section 135(g)(2) may be provided by courtyards with no less than 25 feet in

every horizontal dimension, with no restriction on the heights of adjacent walls. All area within such an inner court shall qualify as common open space under Section 135.

(4) Dwelling Unit Exposure. The dwelling unit exposure requirements of Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open area that is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in every horizontal dimension at each subsequent floor.

(5) Required commercial space. Notwithstanding any other provision of this Code, any required ground-floor commercial space may include Arts Activities or Neighborhood-Serving Businesses, as defined in Section 102. Ground floor commercial spaces accessory to the 100% Affordable Housing or Educator Housing Project shall not be limited by use size restrictions. Ground floor Arts Activities or Neighborhood-Serving Businesses shall be considered active uses if more than 50 percent of the linear street frontage provides transparent walls and direct pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines.

(6) Ground Floor Ceiling Height. Projects with active ground floors, as defined in Section 145.1(b)(2), shall receive up to a maximum of an additional five feet above the height limit, exclusively to provide a minimum 14-foot (floor to ceiling) ground floor ceiling height.

(7) Projects located entirely or partially on a parcel or parcels designated on the San Francisco Zoning Map as open space (OS) that are not under the jurisdiction of the Recreation and Parks Department shall be deemed to have a height limit and a bulk designation of the closest zoning district that allows Residential Uses.

(f) Controls. Notwithstanding any other provision of this Code, no conditional use authorization shall be required for a 100% Affordable Housing Project and Educator Housing Project, unless the voters adopted such conditional use requirement.

(g) Authorization. Projects under this Section 206.9 shall be approved under the provisions set forth in Section 315.

(h) Amendment by Board of Supervisors. The Board of Supervisors by not less than two-thirds vote of all its members may by ordinance amend any part of this Section 206.9 if the amendment furthers the purpose of this Section.

Section 3. Purpose Finding.

The Board of Supervisors finds that the amendments of Planning Code Section 206.9 contained in this ordinance further the purpose of that Section.

Section 4. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative on the later of its effective date or the effective date of Proposition E on the November 5, 2019 Consolidated Municipal Election ballot. If Proposition E does not pass, this ordinance shall be null and void.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code (as proposed by Proposition E on the November 5, 2019 Consolidated Municipal Election ballot) that are explicitly shown in this ordinance as additions, deletions, Board

amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 5. Supermajority Vote Requirement. Under Planning Code Section 206.9(h), if Proposition E on the November 5, 2019 Consolidated Municipal Election ballot is approved, the City may enact this ordinance only if the Board approves the ordinance by at least a two-thirds vote of all its members.

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

By: Audrey Pearson
AUDREY WILLIAMS PEARSON
Deputy City Attorney

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Supervisors Fewer; Mar, Peskin, Haney, Safai, Walton, Ronen

FILE NO. 191016

LEGISLATIVE DIGEST

[Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

If Proposition E in the November 5, 2019 Municipal Consolidated Election passes and Planning Section 206.9 is adopted, that section – called the 100% Affordable Housing and Educator Housing Streamlining Program – requires that Educator Housing projects, as defined, include at least 20% of units as three-bedroom units, and 30% of units as two-bedroom units.

Amendments to Current Law

This ordinance would eliminate the requirement that Educator Housing projects include a minimum amount of three bedroom units, but would require that half of residential units be two-bedrooms or larger.

Background Information

Proposition E on the November 5, 2019 Municipal Consolidated Election ballot establishes the 100% Affordable Housing and Educator Housing Streamlining Program in Planning Code section 206.9. This ordinance would amend that program if Proposition E passes, and the Board approves the ordinance by at least a two-thirds vote of all its members.

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BOARD of SUPERVISORS

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October 16, 2019

File No. 191016

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 8, 2019, Supervisor Fewer submitted the proposed legislation:

File No. 191016

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. CEQA does not apply to Proposition E passed on November 5, 2019 because it was a measure submitted to the voters by the Mayor or 4 Supervisors.

joy navarrete
Digitally signed by joy navarrete
DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=joy navarrete, email=joy.navarrete@sfgov.org
Date: 2019.11.07 08:25:50 -08'00'

SAN FRANCISCO
PLANNING DEPARTMENT

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November 27, 2019

Ms. Angela Calvillo, Clerk
Honorable Supervisor Fewer
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2019-017962PCA:**
100% Affordable Housing and Educator Housing Streamlining Program
Board File No. 191016
Planning Commission Recommendation: *Approval*

Dear Ms. Calvillo and Supervisor Fewer,

On November 21, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Fewer that would amend the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms and eliminate the requirement that Educator Housing projects have a minimum number of three-bedroom units.. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a direct or indirect physical change in the environment. CEQA does not apply to Proposition E passed on November 5, 2019 because it was a measure submitted to the voters by the Mayor or 4 Supervisors.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc:
Audrey Williams Pearson, Deputy City Attorney
Ian Fregosi, Aide to Supervisor Fewer

Erica Major, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary

SAN FRANCISCO
PLANNING DEPARTMENT

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Planning Commission Resolution No. 20570

HEARING DATE: NOVEMBER 21, 2019

Project Name:	100% Affordable Housing and Educator Housing Streamlining Program
Case Number:	2019-017962PCA [Board File No. 191016]
Initiated by:	Supervisor Fewer / Introduced October 8, 2019
Staff Contact:	Audrey Merlone, Legislative Affairs Audrey.Butkus@sfgov.org, 415-575-9129
Reviewed by:	Aaron D Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO REQUIRE AT LEAST HALF OF RESIDENTIAL UNITS IN EDUCATOR HOUSING PROJECTS TO HAVE TWO OR MORE BEDROOMS, TO ELIMINATE THE REQUIREMENT THAT EDUCATOR HOUSING PROJECTS HAVE A MINIMUM AMOUNT OF THREE-BEDROOM UNITS, CONDITIONED ON THE PASSAGE OF PROPOSITION E IN THE NOVEMBER 5, 2019, MUNICIPAL CONSOLIDATED ELECTION; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on October 8, 2019 Supervisor Fewer introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 191016, which would amend the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 21, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and
WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission supports the overall goals of this Ordinance because it will allow for the construction of future Educator Housing projects. It will also ensure dwelling unit mix requirements and income restrictions are set at a level that will benefit the educators meant to occupy the housing. Additionally, the dwelling unit mix standards proposed in the Ordinance are in closer alignment with the Department's own dwelling unit mix requirements in zoning districts that regulate bedroom mix.

2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 7
SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

Policy 7.5
Encourage the production of affordable housing through processes and zoning accommodations and prioritize affordable housing in the review and approval processes.

The proposed Ordinance will encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 7
ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to residents, it is important to preserve the vitality of this sector. This includes ensuring that our educators are not forced out of their City jobs due to lack of affordable housing options. The proposed Ordinance will assist in the creation of affordable housing specifically designated for low and middle-income teachers in San Francisco, helping them to stay in the city, and thereby retaining our high-quality educators.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

   1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

      The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

   2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

      The proposed Ordinance would not have a negative effect on housing or neighborhood character.

   3. That the City's supply of affordable housing be preserved and enhanced;

      The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

   4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

      The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

   5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

      The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

   6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

      The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 21, 2019.

Jonas P. Ionin
Commission Secretary

AYES: Diamond, Johnson, Koppel, Melgar, Richards

NOES: None

ABSENT: Fung, Moore

ADOPTED: November 21, 2019

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning Code Text Amendment
HEARING DATE: NOVEMBER 21, 2019
90-DAY DEADLINE: JANUARY 14, 2020

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Project Name:	**100% Affordable Housing and Educator Housing Streamlining Program**
Case Number:	2019-017962PCA [Board File No. 191016]
Initiated by:	Supervisor Fewer / Introduced October 8, 2019
Staff Contact:	Audrey Merlone, Legislative Affairs Audrey.Merlone@sfgov.org, 415-575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	Approval

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms and eliminate the requirement that Educator Housing projects have a minimum number of three-bedroom units. The Ordinance would be an amendment to Proposition E, which passed in the November 5, 2019 San Francisco Municipal Consolidated Election, and which added Planning Code section 206.9, the 100 Percent Affordable Housing and Educator Housing Streamlining Program.

The Way It Is Now:

Proposition E (Planning Code section 206.9) requires at least 30% of units in Educator Housing to contain two bedrooms, and at least 20% of units contain three or more bedrooms. Prop E additionally requires that units being offered *at or above* 120% of area median income ("AMI") may not be single occupancy.

The Way It Would Be:

Prop E would be amended to require at least 50% of residential units in Educator Housing projects to have two or more bedrooms. Prop E would be further amended to state that units being offered *above* 120% of AMI may not be single occupancy.

BACKGROUND

Proposition E:

Proposition E was approved by the voters in the November 5, 2019 General Consolidated Election, and added Planning Code Section 206.9. The San Francisco Department of Elections summarized Prop E as "an Ordinance that amends the Planning Code to allow 100% Affordable Housing Projects and Educator Housing Projects in Public zoning districts and expedites City approval of these projects."

"Educator Housing Projects" are defined as:

- Must be deed restricted for the Life of the project or 55 years (whichever is longer) to:
  - Be occupied by at least one employee of the SFUSD or SFCCD;
  - Offer at least 4/5 of the units at between 30%-140% of Area Median Income (AMI), with an overall average of 100% of AMI across all such units;
  - Offer no more than 1/5 of the units at 160% of AMI
- The project *may* be Mixed-Use with no more than 20% of the building comprised on non-residential and neighborhood serving uses.
- The minimum sizes for each unit type must be no less than:
  - 300 square feet for a studio
  - 450 square feet for a one-bedroom
  - 700 square feet for a two-bedroom
  - 900 square feet for a three-bedroom
  - 1,000 square feet for a four-bedroom
- The project must contain at least 30% of units in Educator Housing to contain 2 bedrooms, and at least 20% of units contain three or more bedrooms. *The proposed Ordinance would amend this provision.*
- The project must require that units being offered at or above 120% of AMI may not be single occupancy. *The proposed Ordinance would amend this provision.*

Under Proposition E, 100% Affordable Housing and Educator Housing projects:

- Are allowed in Residential zoning districts and in Public zoning districts, except on property used for parks;
- Must be located on lots that are at least 10,000 square feet;
- Cannot demolish or replace existing residential units;
- Are subject to less restrictive rules regarding size, ground-floor height, density and other factors than other residential buildings;
- Allow a limited amount of Mixed or Commercial use that supports Affordable Housing; and
- Are not be subject to Conditional Use authorization unless the restriction has been adopted by the voters.

Proposition E requires a review of proposed 100% Affordable Housing and Educator Housing projects within 90 to 180 days, depending on the size of the project. Proposition E also authorizes the expedited review of the first 500 units of proposed Educator Housing. The Planning Department can administratively approve 100% Affordable and Educator Housing projects, without review by the Planning Commission. Lastly, the Board of Supervisors may amend *any section* of Proposition E by a two-thirds vote without voter approval.

ISSUES AND CONSIDERATIONS

Unit Mix Requirements

Proposition E currently requires stringent dwelling unit mix requirements. Requiring at least 30% of units to be two-bedrooms and 20% to be three or more bedrooms sets standards that are very difficult for affordable housing projects to meet. Breaking down the specific number of two-bedrooms and three-bedrooms required offers little flexibility in the composition of a project. This may be especially problematic for smaller sites that have limited space to design for larger units. In addition to design difficulties, the expense incurred for this requirement may make many Affordable Educator Housing projects financially

infeasible. The greater the bedroom count of a unit, the more expensive the unit is to construct. Affordable and Educator Housing projects are already financially constricted. The Department understands the value of dwelling unit mix requirements for these types of projects, as they ensure a development contains more than studios and one-bedrooms; however, the Department also understands that dwelling unit mix requirements that are too strict may prevent *any* educator housing from being constructed.

The dwelling unit mixes proposed in the subject Ordinance are also in closer alignment with the Department's own dwelling unit mix requirements. The Planning Code has dwelling unit mix requirements for RTO, RCD, NCT Districts, some MUD's and SUD's, and any project proposing ten or more dwelling units located in a district that allows Residential uses. In no case are those requirements as strict as Proposition E *(see Exhibit B for specific dwelling unit mix requirements in various zoning districts).* Although the proposed Ordinance is also more stringent than the current dwelling unit mix requirements for most districts with said controls, it is in closer alignment with the Planning Code than Proposition E's current standards.

General Plan Compliance

The proposed Ordinance is in alignment with the Housing Element and Commerce and Industry Element. Objective 7 of the Housing Element is to "secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms or capital". The proposed Ordinance will encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes. Objective 7 of the Commerce and Industry Element is to "enhance San Francisco's position as a national and regional center for governmental, health, and educational services". Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to residents, it is important to preserve the vitality of this sector. This includes ensuring that our educators are not forced out of their City jobs due to lack of affordable housing options. The proposed Ordinance will assist in the creation of affordable housing specifically designated for low and middle-income teachers in San Francisco, helping them to stay in the city, and thereby retaining our high-quality educators.

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the Office of Racial Equity, which will require all Departments to conduct this analysis.

The proposed Ordinance would help to create affordable housing across the City, rather than in specific neighborhoods that tend to accommodate denser development. The range of housing options through required income mixes and dwelling unit mixes will add to the desperately needed housing stock for low and middle-income educators. It is vital to ensure all demographics are represented in our residents,

including educators of color[1], however the housing crisis has forced many educators to move outside of the city[2]. The SFUSD estimates a 9%-12% teacher turnover every year, while the teacher's union estimates loses even higher at 21%. The high turnover severs the ability for teachers to connect to their students and become a support system for students as they develop. This can be seen disproportionately in low income and black communities in the City. At Willie Brown Middle School for example, 76% of students are socioeconomically disadvantaged. 37% of students are black at Willie Brown compared to 8% district wide. By year three at Willie Brown, 47% of teachers have left, which is more than double the district average.[3] The Ordinance will advance racial and social equity by providing a range of unit types reserved for San Francisco educators and allow their location in *any* neighborhood in the City with an eligible Public zoned parcel.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Department supports the overall goals of this Ordinance because it will allow for the construction of future Educator Housing projects. It will also ensure dwelling unit mix requirements and income restrictions are set at a level that will benefit the educators meant to occupy the housing. Additionally, the dwelling unit mix standards proposed in the Ordinance are in closer alignment with the Department's own dwelling unit mix requirements in zoning districts that regulate bedroom mix.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a direct or indirect physical change in the environment. CEQA does not apply

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[1] Viramontes, Beatrice. "Students Need Diverse Teachers in Their Schools." SFChronicle.Com, San Francisco Chronicle, 8 Oct. 2015, www.sfchronicle.com/opinion/openforum/article/San-Francisco-schools-lack-teachers-and-diversity-6557270.php. Accessed 8 Oct. 2015.

[2] Moskowitz, P. (2015, September 10). San Francisco's deepening rent crisis pushes out vulnerable teachers. Retrieved November 13, 2019, from the Guardian website: https://www.theguardian.com/us-news/2015/sep/10/san-francisco-rent-housing-teachers

[3] Steimle, Susie. "Teachers Become Super-Commuters To Work In San Francisco." Cbslocal.Com, CBS San Francisco, 16 Oct. 2019, sanfrancisco.cbslocal.com/2019/10/16/teachers-become-super-commuters-to-work-in-san-francisco/.

to Proposition E passed on November 5, 2019 because it was a measure submitted to the voters by the Mayor or 4 Supervisors.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received one letter of support from United Educators of San Francisco which has been attached as Exhibit C.

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Dwelling Unit Mix Requirements Spreadsheet
Exhibit C:	Letter of Support from UESF
Exhibit D:	Board of Supervisors File No. 191016

EXHIBIT A

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Resolution

HEARING DATE NOVEMBER 21, 2019

Project Name:	**100% Affordable Housing and Educator Housing Streamlining Program**
Case Number:	2019-017962PCA [Board File No. 191016]
Initiated by:	Supervisor Fewer / Introduced October 8, 2019
Staff Contact:	**Audrey Merlone**, Legislative Affairs Audrey.Merlone@sfgov.org, 415-575-9129
Reviewed by:	Aaron D Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO REQUIRE AT LEAST HALF OF RESIDENTIAL UNITS IN EDUCATOR HOUSING PROJECTS TO HAVE TWO OR MORE BEDROOMS, TO ELIMINATE THE REQUIREMENT THAT EDUCATOR HOUSING PROJECTS HAVE A MINIMUM AMOUNT OF THREE-BEDROOM UNITS, CONDITIONED ON THE PASSAGE OF PROPOSITION E IN THE NOVEMBER 5, 2019, MUNICIPAL CONSOLIDATED ELECTION; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on October 8, 2019 Supervisor Fewer introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 191016, which would amend the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 21, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and
WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission supports the overall goals of this Ordinance because it will allow for the construction of future Educator Housing projects. It will also ensure dwelling unit mix requirements and income restrictions are set at a level that will benefit the educators meant to occupy the housing. Additionally, the dwelling unit mix standards proposed in the Ordinance are in closer alignment with the Department's own dwelling unit mix requirements in zoning districts that regulate bedroom mix.

2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 7
SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

Policy 7.5
Encourage the production of affordable housing through processes and zoning accommodations, and prioritize affordable housing in the review and approval processes.

The proposed Ordinance will encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 7
ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to residents, it is important to preserve the

vitality of this sector. This includes ensuring that our educators are not forced out of their City jobs due to lack of affordable housing options. The proposed Ordinance will assist in the creation of affordable housing specifically designated for low and middle-income teachers in San Francisco, helping them to stay in the city, and thereby retaining our high-quality educators.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

   1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

      The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

   2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

      The proposed Ordinance would not have a negative effect on housing or neighborhood character.

   3. That the City's supply of affordable housing be preserved and enhanced;

      The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

   4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

      The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

   5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

      The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

   6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

      The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

   7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 21, 2019

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: November 21, 2019

EXHIBIT B

Dwelling Unit Mix Requirements

RTO, RCD, NCT, Pacific Ave. NCD, Polk St. NCD	Eastern Neighborhoods MUDs	Projects Proposing 10 or More Dwelling Units (*except in districts where higher amounts apply*)
at least 40% two bedrooms **OR**	at least 40% two bedrooms **OR**	at least 25% two bedrooms **AND**
at least 30% three bedrooms **OR**	at least 30% three bedrooms **OR**	at least 10% three bedrooms*
at least 35% two or three bedrooms with at least 10% three bedrooms	at least 35% two or three bedrooms with at least 10% three bedrooms **OR**	
	100% of req. inclusionary units contain at least two bedrooms	

**three bedroom units built may count towards two bedroom min. req.*

EXHIBIT C

UESF
United Educators of San Francisco
AFT/CFT, AFL-CIO ▪ NEA/CTA
2310 Mason Street ▪ San Francisco, CA 94133 ▪ 415 956-8373 ▪ Fax 415 956-8374 ▪ www.uesf.org

November 1, 2019

Dear Planning Commissioners,

As the union representing 6,400 educators of the San Francisco Unified School District, we write to express our support for the trailing legislation for Proposition E, the 100% Affordable Housing and Educator Housing Streamlining Program (File #191016).

UESF worked closely with the sponsors of this initiative to create a definition for Educator Housing Projects that will serve the diverse needs of our educator workforce based on surveys of our members' incomes, household sizes, and housing needs. There are two components of this Educator Housing Program that are very important to us. The first is an income averaging requirement which will ensure that educators across a wide range of incomes are served. The second is a unit mix requirement which will ensure that housing for educators who live with their partners and/or family (a large share of our members) will also be included.

Though we feel strongly that Educator Housing Projects should include 3-bedroom family units, we are okay with removing the 20% 3-bedroom unit requirement in order to accommodate the Francis Scott Key Project. This project was designed with a specific population of newer educators in mind, and as much as we were involved and support the project, it was not intended to be a model for permanent educator housing. By changing the unit mix requirement so that 50% are 2 bedrooms *or larger,* we can ensure that this project will get the streamlining benefits of Prop E and will still be assured that future projects won't be made up of just studios and 1-bedroom units.

With half of our teachers leaving the school district every five years, in part because of the lack of affordable homes, it is critical that we prioritize affordable homes for our educators. Since these Educator Housing Projects will be constructed on our precious public land owned by the school district and City College district, it is critical that we prioritize housing that will be affordable and serve the needs of the full spectrum of our educator workforce. Should the voters adopt Proposition E, we hope to have your support on this legislation to ensure the Francis Scott Key teacher housing project receives the full streamlining benefits of the measure.

Sincerely,

Anabel Ibáñez
UESF Political Director

[Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text proposed by Proposition E, and uncodified text,** are in plain Arial font.
Additions to Code text proposed by Proposition E are in *single-underline italics Times New Roman font*.
Deletions to Code text proposed by Proposition E are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Planning Code Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 191016 and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons 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 Clerk of the Board of Supervisors in File No. _____.

Section 2. Article 2 of the Planning Code is hereby amended by revising Section 206.9, as proposed by Proposition E on the November 5, 2019 Consolidated Municipal Election ballot, to read as follows:

SECTION 206.9. 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING STREAMLINING PROGRAM.

(a) **Purpose.** The purpose of the 100% Affordable Housing and Educator Housing Streamlining Program is to facilitate the construction and development of 100% Affordable Housing Projects and Affordable Educator Housing Projects, as defined in subsection (b), in which Residential Units are affordable to Very-Low, Low, and Moderate Income Households.

(b) **Definitions.** The definitions of Section 102 and the definitions in Section 401 for "Area Median Income" or "AMI," "Housing Project," and "Life of the Project," shall generally apply to Section 206.9. The following definitions shall also apply, and shall prevail if there is a conflict with other sections of the Planning Code, including Section 206.2.

(1) "100% Affordable Housing." Residential Units that are deed-restricted for 55 years or the Life of the Project, whichever is longer and consistent with any applicable tax credit regulatory requirements, to be affordable to Very-Low, Low, or Moderate income households with an income up to 120% of the unadjusted area median family income (AMI) for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD.

(2) "100% Affordable Housing Project." A project for the development of Residential Units all of which are 100% Affordable Housing, up to a maximum overall average of 80% AMI across all Residential Units in the project. A 100% Affordable Housing Project may also include principally permitted non-residential uses on the ground floor, and non-residential uses that are accessory to and supportive of the affordable housing. Notwithstanding the foregoing, the maximum affordable rent or sales price for a Residential Unit in a 100% Affordable Housing Project may be no higher than 20% below median market rents or sales prices for that unit size in the neighborhood in which the project is located, which neighborhood shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall determine the allowable rents and sales prices, and the eligible households for such units accordingly.

(3) "Educator Housing Project." A project for the development of deed-restricted Residential Units all of which are restricted for the Life of the Project or 55 years, whichever is longer and consistent with any applicable tax credit regulatory requirements, to occupancy by at least one employee of the San Francisco Unified School District ("SFUSD") or San Francisco Community College District ("SFCCD"), as verified by the Planning Department or MOHCD. At least four-fifths of the units in an Educator Housing Project must be deed restricted for the Life of the Project or 55 years, whichever is longer and consistent with any applicable tax credit regulatory requirements to be affordable to households with an

income from 30% to 140% of the unadjusted area median family income (AMI), with an overall average of 100% AMI across all such units. Up to one-fifth of the units may be deed restricted up to a maximum 160% AMI for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD. An Educator Housing Project is also allowed to be a mixed-use development project with a maximum 20% of the gross building square footage designated for non-residential neighborhood-serving uses.

(A) No units in an Educator Housing Project shall be smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017, or smaller than 300 square feet for a studio.

(B) Any units in an Educator Housing Project with a rental rate set ~~at~~ *above* 120% of Area Median Income ~~or above~~ shall have a minimum occupancy of two persons.

(C) Notwithstanding any other provision of this Code, an Educator Housing Project shall include a minimum of ~~30%~~ *50%* of the total units as 2-bedroom units *or larger.* ~~and a minimum of 20% of the total units as 3-bedroom units or larger.~~

All references in this Section 206.9 to other sections of the Planning Code shall refer to those other sections as they may be amended from time to time after the effective date of the initiative measure enacting this Section 206.9.

(c) **Applicability.** A 100% Affordable Housing Project or Educator Housing Project under this Section 206.9 shall be a Housing Project that:

(1) is located in any zoning district that allows Residential Uses;

(2) is located on a lot or lots equal to or greater than 10,000 square feet;

(3) is not located on land under the jurisdiction of the Recreation and Parks Department for the purpose of a public park;

(4) meets the definition of a "100 Percent Affordable Housing Project" or an "Educator Housing Project" in subsection (b); and

(5) does not demolish, remove, or convert any Residential Units, and does not include any other parcel that has any Residential Units that would be demolished, removed, or converted as part of the project.

(d) **Density.** Notwithstanding any other provisions of this Code, density of an 100% Affordable Housing Project or Educator Housing Project shall not be limited by lot area or zoning district maximums but rather by the applicable requirements and limitations set forth elsewhere in this Code, including consistency with the Affordable Housing Bonus Program Design Guidelines, referenced in Section 315.1, as determined by the Planning Department.

(e) **Zoning Modifications.** Notwithstanding any other provision of this Code, 100% Affordable Housing Projects and Educator Housing Projects may select any or all of the following Planning Code modifications:

(1) Rear Yard. The required rear yard per Section 134 or any applicable special use district may be reduced to no less than 15 feet. Rear yards shall be provided with an open area at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. Projects located on corner parcels may meet the minimum rear yard requirement at the interior corner of the property provided that each horizontal dimension of the open space is a minimum of 15 feet, and that the open area is wholly or partially contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent properties, and provides for access to light and air to and views from adjacent properties.

(2) Open Space. The required common open space per Section 135 may be reduced to no less than 36 square feet of open space per unit.

(3) Inner Courts as Open Space. Inner courts qualifying as useable common open space per Section 135(g)(2) may be provided by courtyards with no less than 25 feet in

every horizontal dimension, with no restriction on the heights of adjacent walls. All area within such an inner court shall qualify as common open space under Section 135.

(4) Dwelling Unit Exposure. The dwelling unit exposure requirements of Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open area that is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in every horizontal dimension at each subsequent floor.

(5) Required commercial space. Notwithstanding any other provision of this Code, any required ground-floor commercial space may include Arts Activities or Neighborhood-Serving Businesses, as defined in Section 102. Ground floor commercial spaces accessory to the 100% Affordable Housing or Educator Housing Project shall not be limited by use size restrictions. Ground floor Arts Activities or Neighborhood-Serving Businesses shall be considered active uses if more than 50 percent of the linear street frontage provides transparent walls and direct pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines.

(6) Ground Floor Ceiling Height. Projects with active ground floors, as defined in Section 145.1(b)(2), shall receive up to a maximum of an additional five feet above the height limit, exclusively to provide a minimum 14-foot (floor to ceiling) ground floor ceiling height.

(7) Projects located entirely or partially on a parcel or parcels designated on the San Francisco Zoning Map as open space (OS) that are not under the jurisdiction of the Recreation and Parks Department shall be deemed to have a height limit and a bulk designation of the closest zoning district that allows Residential Uses.

(f) Controls. Notwithstanding any other provision of this Code, no conditional use authorization shall be required for a 100% Affordable Housing Project and Educator Housing Project, unless the voters adopted such conditional use requirement.

(g) Authorization. Projects under this Section 206.9 shall be approved under the provisions set forth in Section 315.

(h) Amendment by Board of Supervisors. The Board of Supervisors by not less than two-thirds vote of all its members may by ordinance amend any part of this Section 206.9 if the amendment furthers the purpose of this Section.

Section 3. Purpose Finding.

The Board of Supervisors finds that the amendments of Planning Code Section 206.9 contained in this ordinance further the purpose of that Section.

Section 4. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative on the later of its effective date or the effective date of Proposition E on the November 5, 2019 Consolidated Municipal Election ballot. If Proposition E does not pass, this ordinance shall be null and void.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code (as proposed by Proposition E on the November 5, 2019 Consolidated Municipal Election ballot) that are explicitly shown in this ordinance as additions, deletions, Board

amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 5. Supermajority Vote Requirement. Under Planning Code Section 206.9(h), if Proposition E on the November 5, 2019 Consolidated Municipal Election ballot is approved, the City may enact this ordinance only if the Board approves the ordinance by at least a two-thirds vote of all its members.

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

By: _____
AUDREY WILLIAMS PEARSON
Deputy City Attorney

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191016

From: Aaron Goodman <amgodman@yahoo.com>
Sent: Monday, October 21, 2019 10:03 AM
To: Major, Erica (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Safai, Ahsha (BOS); Board of Supervisors, (BOS)
Subject: SFBOS Land-Use - Monday October 21st - Comment (A.GOODMAN) D11

ATTN: SF BOS (Land-Use) Committee (cc: SFBOS)

As I am unable to attend the mid-day meeting today, please accept this email as my public comment on the issues below. Will keep them brief as I can but you have a lot on the agenda today needing vetting.

19054 - Jobs Housing Linkage
19089 - Jobs Housing Fit

I support both items above, in determining the best strategy forward on the creation of affordable RENTAL housing for working communities and the need to determine how to build larger housing developments for 100% affordable units.
I would ask that you also consider in the two items the relation of mass transit and equity in relation to funding areas and districts since many areas seeing the largest developments in SF are also devoid of any serious transit projects that are shovel ready and supportive prior to the construction of mass housing developments.

190971 - India Basin (Street Vacated)
I would like to submit comments on the EQUITY concerns on lacking transit proposals to improve the T-Line and the linkage between numerous developments in D10. The Pier 70 / India Basin / Alice Griffith and Hunters View, BVHP, Candlestick areas all the way around to Sunnydale from Potrero require a more robust solution on public transit. Please look into this issue with the SFMTA and how they propose to amp up the mass-transit in D10 to equitably address mass transit needs and upcoming service issues during roadway construction at Ceasar Chavez and Alemany on 101/280 already at serious congestion levels that impacts Bayshore, and the T-third. (I am in support of the India Basin project, but would like to see a more robust water-taxi, and trackless train system that loops around the BVHP and back up Geneva Harney to balboa park station to bring quickly new mass-transit solutions to these neighborhoods being developed.)

190972 - Electrification of Municipal Facilities
190974 - Energy Performance in New Buildings
I am in support of this proposal and would want to see more efforts on urban infrastructure and build out in addition to local property tax incentives to switch to solar. Costs are causing residential installers to balk at installations, especially smaller installs. Therefore it is critical to ensure smaller home-owners and businesses can switch to solar more readily.. On the energy efficieny issues LEED does not always take into account the issues of obsolescence and sound existing construction that should promote preservation and adaptive re-use. So key is to include measures that document the demolition of existing systems and buildings and their

replacement with new energy efficient systems. If we toss a recently installed roof for a new roof and solar, the carbon impacts must be addressed in the changes.

191016 - Educator Housing
Key is to determine the effects prior and loss of educator housing since 2001 (Purchase of Stonestown and portions of Parkmerced) that served as educator housing. SFSU-CSU was asked to consider staff/teacher housing at the UPS blocks. The SOTA switch downtown should be considered whether the site is for 100% future housing or an option to rebuild the school at its existing site and plan for the school SOTA to remain and the old educator building converted to shared housing co-op building downtown due to already overcongested streets in the Van Ness Market area. Which will be more dangerous for kids and teens if shifted in that area from the existing SOTA site. There is also the concerns about CCSF and teacher housing on Balboa Reservoir, and CCSF's future plans. All these sites MUST have new and adequate new transit serving the areas so please legislate to support more transit improvements in these areas.

191018 - 770 Woolsley
I am supportive of the landmarking in the hope to create a more adventurous solution with green-houses and landscaped courtyards for the future housing on this site. Their is also the need for addressing overcrowded bus services on the 44 and 8/9 lines along with the 54 which serve the D10/D11 neighborhoods. Please look into the transit issues and equity for these proposals.

191013- Mobility Permits
191033 - Office of Emerging Technology

My concern is the lacking ADA compliance on many of these new technologies that service the seniors and disabled communities. Portland and Detroit have ADA bikes for bike-share, and currently with all the mobility push, we have yet to see it adequately addressed in the pods and systems being attached to bike racks and public infrastructure. These systems are parasitical and do not adequately address EQUITY in low cost options alone. Therefore a percentage should be done financially that re-invests in public mass-transit systems connections, loops and links in existing infrastructure.

Thank you all for addressing these concerns in your discussion later today.

Sincerely

Aaron Goodman D11
amgodman@yahoo.com

BOARD of SUPERVISORS

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

October 16, 2019

File No. 191016

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 8, 2019, Supervisor Fewer submitted the proposed legislation:

File No. 191016

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS

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TDD/TTY No. 554-5227

October 16, 2019

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 8, 2019, Supervisor Fewer submitted the following proposed legislation:

File No. 191016

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

This proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Acting Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

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MEMORANDUM

TO: Dan Adams, Acting Director, Mayor's Office of Housing and Community Development
Phil Ginsburg, General Manager, Recreation and Parks Department
Vincent C. Matthews, Ed.D, Superintendent, San Francisco Unified School District
Linda Shaw, Liaison to the Board, City College of San Francisco

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 16, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Fewer on October 8, 2019:

File No. 191016

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the files, 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: erica.major@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Amy Chan, Mayor's Office of Housing and Community Development
Viva Mogi, San Francisco Unified School District
Esther Casco, San Francisco Unified School District
Kevin Truitt, San Francisco Unified School District

Cor.
Leg. Dep.
Committee Clerk

Member, Board of Supervisors
District 3

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SAN FRANCISCO
City and County of San Francisco
2019 DEC -5 AM 9:29
BY

AARON PESKIN
佩斯金 市參事

DATE:	December 2, 2019
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee
RE:	Land Use and Transportation Committee COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, December 10, 2019, as Committee Reports:

191085 Interim Zoning Controls - Conditional Use Authorization for Conversion of Unpermitted Residential Care Facilities

Resolution modifying interim zoning controls established in Resolution No. 430-19, which require a Conditional Use authorization for Residential Care Facilities, to clarify that those interim zoning controls apply to certain Residential Care Facilities, including facilities lacking required permits; 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.

191016 Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

191106 Administrative Code - Annual Report on Job Growth and Housing Production

Ordinance amending the Administrative Code to require an annual report analyzing the fit between housing needs associated with job growth by wages in San Francisco and housing production by affordability in the City.

City Hall • 1 Dr. Carlton B. Goodlett Place • Room 244 • San Francisco, California 94102-4689 • (415) 554-7450
Fax (415) 554-7454 • TDD/TTY (415) 554-5227 • E-mail: Aaron.Peskin@sfgov.org

191107 Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

191017 Housing Code - Heat Requirements in Residential Rental Units

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

190973 Health Code - Approving a New Location for a Permittee's Medical Cannabis Dispensary Permit

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department's determination under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 9, 2019, at 1:30 p.m.

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

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

- [x] 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 [ ] inquiries"
- [ ] 5. City Attorney Request.
- [ ] 6. Call File No. [ ] from Committee.
- [ ] 7. Budget Analyst request (attached written motion).
- [ ] 8. Substitute Legislation File No. [ ]
- [ ] 9. Reactivate File No. [ ]
- [ ] 10. Topic 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
- [x] Planning Commission
- [ ] Building Inspection Commission

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

Sponsor(s):

Fewer; Mar, Peskin, Haney, Safai

Subject:

[Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

The text is listed:

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019 Municipal Consolidated Election; 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 convenience, necessity, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor: Sandra Lee Fewer

For Clerk's Use Only