

From: [Merlone, Audrey \(CPC\)](#)
To: [Major, Erica \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)
Cc: [Hepner, Lee \(BOS\)](#); [Starr, Aaron \(CPC\)](#); [BOYAJIAN, JUDY \(CAT\)](#)
Subject: Re: BF 190757 density for affordable units at Land Use
Date: Wednesday, April 8, 2020 1:21:29 PM
Attachments: [image001.png](#)

Hi All,

The Ordinance with proposed amendments Jacob summarized in his email to Lee have all been considered by the Planning Commission. I'm confirming that the Ordinance does not need to be re-referred.

Thanks,

Audrey Merlone
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[San Francisco Property Information Map](#)

REDUCED CAPACITY DURING THE SHELTER IN PLACE ORDER -- The Planning Department is open for business. Most of our staff are working from home and we're [available by e-mail](#). Our [Public Portal](#), where you can file new applications, and our award-winning [Property Information Map](#) are available 24/7. Similarly, the [Board of Appeals](#) and [Board of Supervisors](#) are accepting appeals via e-mail despite office closures. To protect everyone's health, all of our in-person services at 1650 and 1660 Mission Street are suspended, and the Planning and Historic Preservation Commissions are cancelled until April 9, at the earliest. [Click here for more information.](#)

From: Major, Erica (BOS) <erica.major@sfgov.org>
Sent: Wednesday, April 8, 2020 11:44 AM
To: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>
Cc: Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>; BOYAJIAN, JUDY (CAT) <Judy.Boyajian@sfcityatty.org>
Subject: RE: BF 190757 density for affordable units at Land Use

Got it, thanks Jacob. I would just need their confirmation for the record and then Chair Peskin would be ok to calendar.

ERICA MAJOR
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From: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>
Sent: Wednesday, April 8, 2020 11:44 AM
To: Major, Erica (BOS) <erica.major@sfgov.org>
Cc: Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>; BOYAJIAN, JUDY (CAT) <Judy.Boyajian@sfcityatty.org>
Subject: Re: BF 190757 density for affordable units at Land Use

Thanks, Erica. The second version is a substituted ordinance that incorporates some of the Planning Commission's recommendations on the original version, and doesn't make any changes outside of what was considered at PC previously, so no re-referral should be required. Copying Planning here to confirm.

Thank you,

Jacob

Jacob Bintliff
Legislative Aide

Office of Supervisor Rafael Mandelman
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284
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(415) 554-7753 | jacob.bintliff@sfgov.org
Pronouns: he, him, his

From: Major, Erica (BOS) <erica.major@sfgov.org>
Sent: Wednesday, April 8, 2020 9:17 AM
To: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>
Cc: Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Subject: RE: BF 190757 density for affordable units at Land Use

Thanks Jacob! Confirming your request will be reported to the Chair and confirmed by Lee. So this is on its second version, did the Commission already consider the second version that was substituted on March 3? If so, I'll need that for the file before we can move forward.

April 27, 2020

- **190757** Planning Code - Exemption from Density Limits for Affordable and Unauthorized Units - Residential Care Facilities
 - **Mandelman (Jacob Bintliff)**

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From: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>

Sent: Wednesday, April 8, 2020 9:11 AM

To: Major, Erica (BOS) <erica.major@sfgov.org>

Cc: Hepner, Lee (BOS) <lee.hepner@sfgov.org>

Subject: Fw: BF 190757 density for affordable units at Land Use

Hi Erica,

Please see the below request for scheduling at the 4/27 Land Use meeting. Sorry, I failed to copy you on my original request to Lee.

Thank you!

Jacob

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From: Bintliff, Jacob (BOS)

Sent: Monday, April 6, 2020 12:05 PM

To: Hepner, Lee (BOS) <lee.hepner@sfgov.org>

Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>

Subject: BF 190757 density for affordable units at Land Use

Hi Lee,

Please excuse my delay in following up with you on our request for scheduling at Land Use. May I please request a hearing on BF [190757](#) re: density limits for affordable units for April 27? Here's an overview of what is contained, and of course happy to chat further any time!

Overall, the proposal is to allow for more affordable BMR units, as well as legalized units, ADUs, and Residential Care units in our residential neighborhoods and neighborhood commercial corridors, within existing height and setback requirements. Specifically, the ordinance would:

1. Exempt **affordable BMR units** from density limits, including in RH districts, provided that the on-site affordable percentage of total units meets the applicable inclusionary requirement. No change to height, bulk, or setback requirements.
2. Allow for **100% affordable projects** to exceed density limits in all districts, including RH districts. No change to height, bulk, or setback requirements.
3. Allow for an unlimited number of existing **unauthorized units** to be legalized, subject to price controls and right of return requirements in cases of eviction history.
4. Allow **Accessory Dwelling Units** to be added in the footprint of existing accessory structures up to one additional floor in height on "through lots" where the both the principal building and the ADU are facing onto public streets. This is already allowed on corner lots.
5. Allow for critically needed **Residential Care Facilities** as a principally permitted use in all zoning districts, including RH districts.

Again, the proposal would not provide for any exceptions to existing height, setback, open space, or design controls. With regard to the density exemption for on-site BMRs I want to emphasize that this would not allow for any lessening of the on-site percentage provided as under the State bonus. This is because the inclusionary requirements would continue to apply to the total number of units proposed in all cases. Further, we believe that this would provide an incentive to provide on-site affordable units rather than the in-lieu fee in some cases.

Also, as I mentioned there are some active projects in the Planning pipeline that would only be able to proceed under the changes proposed in this ordinance:

- 100% affordable project at 2206 Great Highway: This is a large RH-2 lot that has been

transferred from the Housing Authority to a non-profit developer. The current building contains 16 existing units that need to be rebuilt, but zoning would only allow for 10 units to be constructed. The site could accommodate roughly 25 affordable units without exceeding existing height and bulk requirements. Neither the State bonus or HOME-SF would allow for this project to proceed.

- There is at least one project proposing to legalize multiple unauthorized units that cannot proceed under current rules.

Thank you!

Jacob

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Legislative Aide

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