

File No. 190757 Committee Item No. 6  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
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Committee: Land Use and Transportation Committee Date July 27, 2020

Board of Supervisors Meeting Date \_\_\_\_\_

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Completed by: Erica Major Date July 23, 2020  
Completed by: Erica Major Date \_\_\_\_\_

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

3 **Ordinance amending the Planning Code to provide an exception from density limit**  
4 **calculations for all affordable units in projects not seeking and receiving a density**  
5 **bonus, permit the legalization of all unauthorized dwelling units notwithstanding a**  
6 **history of no-fault evictions if the applicant demonstrates compliance with the**  
7 **requirements of specified sections of the Rent Ordinance, and principally permit**  
8 **residential care facilities for seven or more persons in all RH (Residential, House)**  
9 **zoning districts; affirming the Planning Department's determination under the**  
10 **California Environmental Quality Act; making findings of consistency with the General**  
11 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**  
12 **findings of public necessity, convenience, and general welfare under Planning Code,**  
13 **Section 302.**

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

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

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 190757 and is incorporated herein by reference. The Board affirms  
2 this determination.

3 (b) On December 5, 2019, the Planning Commission, in Resolution No. 20584,  
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
7 the Board of Supervisors in File No. 190757, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning  
9 Code amendments will serve the public necessity, convenience, and general welfare for the  
10 reasons set forth in Planning Commission Resolution No. 20584.

11  
12 Section 2. The Planning Code is hereby amended by revising Sections 207, 207.3,  
13 and 209.1, to read as follows:

14 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

15 \* \* \* \*

16 (c) **Exceptions to Dwelling Unit Density Limits.** An exception to the calculations  
17 under this Section 207 shall be made in the following circumstances:

18 (1) **Affordable Units** ~~in Projects with 20 Percent or More Affordable Units.~~ For  
19 projects that are not ~~located in any RH-1 or RH-2 zoning district, or are not~~ seeking and receiving  
20 a density bonus under the provisions of Planning Code Section 206.5 or 206.6, California  
21 Government Code Section 65915, where 20 percent or more of the Dwelling Units on-site are  
22 "Affordable Units," the on-site Affordable Units, including such units in projects that consist entirely  
23 of Affordable Units, shall not count towards the calculation of dwelling unit density. This  
24 Planning Code Section 207(c)(1) does not provide exceptions to any other Planning Code  
25 requirements such as height or bulk. For purposes of this Section 207(c)(1), "Affordable Units"

1 shall be defined as meeting (A) the criteria of Section 406(b); (B) the requirements of Section  
2 415 et seq. for on-site units; or (C) restricted units in a project using California Debt Limit  
3 Allocation Committee (CDLAC) tax-exempt bond financing and ~~4%~~ *percent* tax credits under  
4 the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide  
5 "Affordable Units" that are not restricted by any other program, in order to receive the benefit  
6 of the additional density permitted under this ~~S~~subsection (c)(1) or ~~S~~subsection (c)(2), the  
7 project sponsor shall elect and the Planning Department and MOHCD shall be authorized to  
8 enforce, restricting the units as affordable under Planning Code Section 415.6 ~~up to a maximum~~  
9 ~~of 25 percent of the units in the principal project.~~ The project sponsor shall make such election  
10 through the procedures described in Section 415.5(g) including submitting an Affidavit of  
11 Compliance indicating the project sponsor's election to pursue the benefits of ~~S~~subsection  
12 (c)(1) or (c)(2) and committing to ~~up to 25 percent~~ on-site units restricted under Section 415.6  
13 prior to approval by the Planning Commission or Planning Department staff. If a project  
14 sponsor obtains the exemption from the density calculation for Affordable Units provided in  
15 this subsection ~~(c)(1)~~, the exemption shall be recorded against the property. Any later request  
16 to decrease the number of Affordable Units shall require the project to go back to the Planning  
17 Commission or Planning Department, whichever entity approved the project as a whole.

18 (2) **Designated Child Care Units.** A Designated Child Care Unit that meets all the  
19 applicable standards of Planning Code Section 414A.6 shall not count towards the calculation of  
20 maximum density permitted on the site.

21 ~~(2) — Affordable Units in RTO Districts. In the RTO District, on site Dwelling Units~~  
22 ~~that are "Affordable Units," as defined in Subsection (a), shall not count toward density calculations or~~  
23 ~~be limited by lot area.~~

24 \* \* \* \*

1 (4) Local Accessory Dwelling Unit Program; Accessory Dwelling Units  
2 in Multifamily Buildings; Accessory Dwelling Units in Single-Family Homes That Do Not  
3 Strictly Meet the Requirements in subsection (c)(6).

4 \* \* \* \*

5 (B) **Applicability.** This subsection (c)(4) shall apply to the construction  
6 of Accessory Dwelling Units on all lots located within the City and County of San Francisco in  
7 areas that allow ~~R~~Residential ~~U~~Use, except that construction of an Accessory Dwelling Unit is  
8 regulated by subsection (c)(6), and not this subsection (c)(4), if all of the following  
9 circumstances exist:

10 \* \* \* \*

11 (iii) the ADU is either attached to or will be constructed entirely  
12 within the "living area" (as defined in subsection (c)(6)(B)(iii)) or the buildable area of the  
13 proposed or existing primary dwelling, or constructed within the built envelope of an existing  
14 and authorized auxiliary structure on the same lot; provided, however, that (A) when a stand-  
15 alone garage, storage structure, or other auxiliary structure is being converted to an ADU, an  
16 expansion to the envelope is allowed to add dormers even if the stand-alone garage, storage  
17 structure, or other auxiliary structure is in the required rear yard and (B) on a ~~C~~Corner ~~L~~Lot or  
18 *through lot*, a legal stand-alone nonconforming garage, storage structure, or other auxiliary  
19 structure may be expanded within its existing footprint by up to one additional story in order to  
20 create a consistent street wall and improve the continuity of buildings on the block.

21 \* \* \* \*

22 (H) **Regulatory Agreements.** A Regulatory Agreement required by  
23 subsection (c)(4)(G) as a condition of approval of an Accessory Dwelling Unit shall contain the  
24 following:  
25

1 (i) a statement that the ADU(s) are not subject to the Costa-  
2 Hawkins Rental Housing Act (California Civil Code Sections 1954.50 *et seq.*) because, under  
3 Section 1954.52(b), the owner has entered into this agreement with the City in consideration  
4 for a complete or partial waiver of the density limits, and/or bicycle parking, rear yard,  
5 exposure, or open space standards of this Code or other direct financial contribution or other  
6 form of assistance specified in California Government Code Sections 65915 *et seq.*  
7 (“Agreement”); and

8 \* \* \* \*

9 (6) **State Mandated Accessory Dwelling Unit Program: Accessory**  
10 **Dwelling Units in Existing or Proposed Single-Family Homes or in a Detached Auxiliary**  
11 **Structure on the Same Lot.**

12 \* \* \* \*

13 (B) **Lots Zoned for Single-Family or Multifamily Use and**  
14 **Containing an Existing Single-Family Home; Controls on Construction.** An Accessory  
15 Dwelling Unit located on a lot that is zoned for single-family or multifamily use and contains an  
16 existing or proposed single-family dwelling and constructed pursuant to this subsection (c)(6)  
17 shall meet all of the following:

18 \* \* \* \*

19 (ix) *No parking is required for the ADU. If existing parking is*  
20 *demolished in order to construct the ADU, only the parking space required by this Code for the existing*  
21 *single family home must be replaced. If replacement parking is required, it may be located in any*  
22 *configuration on the lot including but not limited to covered, uncovered, or tandem space or by the use*  
23 *of mechanical automobile parking lifts.*

24 (x) When a stand-alone garage, storage structure, or other  
25 auxiliary structure is being converted to an ADU, an expansion to the envelope is allowed to

1 add dormers even if the stand-alone garage, storage structure, or other auxiliary structure is in  
2 the required rear yard.

3 (xi) On a ~~e~~Corner ~~H~~Lot ~~or through lot~~, a legal stand-alone  
4 nonconforming garage, storage structure, or other auxiliary structure may be expanded within  
5 its existing footprint by up to one additional story in order to create a consistent street wall and  
6 improve the continuity of buildings on the block.

7 \* \* \* \*

8 ~~(7) A Designated Child Care Unit that meets all the applicable standards of Planning~~  
9 ~~Code Section 414A.6 shall not count towards the calculation of maximum density permitted on the site.~~

10 **SEC. 207.3. AUTHORIZATION OF DWELLING UNITS CONSTRUCTED WITHOUT A**  
11 **PERMIT IN AN EXISTING BUILDING ZONED FOR RESIDENTIAL USE.**

12 Notwithstanding Section 207.2 or any other provision of this Code, certain dwelling  
13 units that were constructed without benefit of permit in an existing residential building or in an  
14 ancillary structure located on the same lot, defined for purposes of this Section 207.3 and in Section  
15 317(b) as "unauthorized units," may be granted legal status subject to the conditions and  
16 procedures set forth below. ~~For purposes of this Section 207.3, a dwelling unit shall not include~~  
17 ~~single room occupancy units.~~

18 (a) **Purpose and Findings.**

19 \* \* \* \*

20 (4) Providing a mechanism to grant legal status to ~~an~~ illegally constructed  
21 dwelling units in an existing building zoned for ~~R~~Residential ~~U~~Use furthers several public policy  
22 objectives. By encouraging the legalization of these unauthorized units, the City can add  
23 legitimate units to the City's supply of affordable housing, ensure that these units are safe and  
24 habitable, and properly include these units when calculating the City's existing housing  
25 supply.

1 (b) **Scope.** ~~(1) Except as provided in subsection (2) below, this~~ Section 207.3 shall  
2 apply to an existing building or an ancillary structure on the same lot, that is located in a  
3 district where ~~Residential Use~~ is ~~Principally Permitted~~, and that has one or more  
4 ~~unauthorized dwelling~~ units that were constructed prior to January 1, 2013 without benefit of  
5 permit and used as residential space. ~~One of the~~ unauthorized ~~dwelling~~ units on the lot that  
6 meet this threshold requirement and the requirements of this Section 207.3 may be granted  
7 legal status under this Section 207.3, regardless of the density limits of the zoning district.

8 (2) **No-fault Eviction.** ~~The Department shall not approve~~ Upon receipt of an  
9 application for legalization, the Department shall verify with the applicant and the Rent Board  
10 whether a landlord had recovered possession of if any tenant has been evicted from the unit pursuant  
11 to Administrative Code Sections 37.9(a)(~~8~~ 9) through (a)(~~12~~ or (14) at any time after May 13,  
12 2014 that is within 10 years prior to the filing of the application. If a landlord did recover possession  
13 as set forth in the foregoing sentence, as a condition of approval the applicant shall be required to  
14 demonstrate that the landlord then complied or shall comply with all applicable requirements of  
15 Sections 37.3(a), 37.3(f), 37.9B, and 37.9C of the Administrative Code, where the tenant was served  
16 with the notice of eviction after March 13, 2014 if the notice was served within ten (10) years prior to  
17 filing the application for legalization. Additionally, the Department shall not approve an application  
18 for legalization of the unit if any tenant has been evicted pursuant to Administrative Code Section  
19 37.9(a)(8) where the tenant was served with a notice of eviction after March 13, 2014 if the notice was  
20 served within five (5) years prior to filing the application for legalization. The Department shall verify  
21 with the Rent Board that no no-fault eviction had been filed. This subsection (b)(2) shall not apply if the  
22 tenant was evicted under Administrative Code Section 37.9(a)(11) and the applicant(s) have either: (A)  
23 certified that the original tenant reoccupied the unit after the temporary eviction or (B) submitted to the  
24 Department a declaration from the property owner or the tenant certifying that the property owner or  
25



1 *the Rent Board has notified the tenant of the tenant's right to reoccupy the unit after the temporary*  
2 *eviction and the tenant chose not to reoccupy it.*

3 (c) **Notices of Violation.** If the Director or Zoning Administrator has issued a notice  
4 of violation for ~~the an~~ unauthorized unit for which legalization is being sought and all violations  
5 would be corrected by legalization of the unit, the Director or Zoning Administrator shall:

6 \* \* \* \*

7 (d) **Legalization Application.** The Department shall approve an application to  
8 legalize an existing unauthorized dwelling unit if the unit complies with Planning Code  
9 requirements as specified in subsection (e) below and with other City codes as specified in  
10 subsection (f) below, ~~if the Rent Board verifies that no no-fault eviction was filed pursuant to~~  
11 ~~subsection (b)(2) above,~~ and if the permit application is completed at and plans approved by the  
12 Department of Building Inspection. In compliance with the State's Second Accessory Dwelling  
13 Unit Law (California Government Code 65852.2), the Department shall ~~exercise ministerial~~  
14 ~~approval of approve~~ the application ministerially if the dwelling unauthorized unit is ~~in a single-~~  
15 ~~family home and thus within the scope of the State's Second Unit Law approved as an Accessory~~  
16 Dwelling Unit pursuant to Section 206(c)(6) of this Code.

17 (e) **Compliance with Planning Code Requirements; Exceptions.**

18 (1) ~~A d~~Dwelling ~~#~~Units authorized under this Section 207.3 must satisfy all  
19 applicable requirements of this Code except for the rear yard requirements set forth in Section  
20 134, the usable open space requirements set forth in Section 135, and the light and air  
21 requirements set forth in Section 140, and except as otherwise provided in this Section 207.3.

22 (2) ~~One such d~~Dwelling ~~#~~Units on the lot ~~is~~ are allowed to exceed the permitted  
23 density authorized for that zoning district provided that a ~~#~~R Residential ~~#~~Use is ~~p~~Principally  
24 ~~p~~Permitted in that zoning district. Authorization of ~~an~~ the additional units over the density limits  
25 will not change the official zoning classification of the lot; provided, however, that the

1 additional dDwelling uUnits shall count towards the density limits if the parcel is under its  
2 density limit capacity.

3 ~~(3) Off-street parking requirements may be reduced to the extent necessary to retain~~  
4 ~~dwelling units authorized under this Section 207.3, without requiring compliance with Sections 305,~~  
5 ~~161(j) or 307(g) or (i) of this Code.~~

6 (f) **Compliance With Other City Codes.** A dDwelling uUnit authorized under this  
7 Section 207.3 must meet all applicable provisions of other City codes other than the  
8 provisions of the Planning Code cited in subsection (e). Any Code equivalencies authorized  
9 under the Building Code, Electrical Code, Plumbing Code, Mechanical Code, Fire Code, or  
10 other applicable Code shall be considered by the relevant agency.

11 Legalization Authorization of a dDwelling uUnit under this Section 207.3 shall not affect  
12 whether the dDwelling uUnit is subject to the Residential Rent Stabilization and Arbitration  
13 Ordinance (Chapter 37 of the Administrative Code). A dDwelling uUnit that was subject to the  
14 Residential Rent Stabilization and Arbitration Ordinance prior to legalization under this Section  
15 207.3 shall remain subject to the Residential Rent Stabilization and Arbitration Ordinance after  
16 legalization. Landlords shall pay relocation assistance to tenants who are temporarily  
17 displaced due to work required for dwelling unit legalization pursuant to the provisions in  
18 Section 37.9C of the Residential Rent Stabilization and Arbitration Ordinance or California  
19 Civil Code Section 1947.9 for displacements of less than 20 days.

20 (g) **Additional Dwelling Unit Considered a Lawful Nonconforming Use.** Any  
21 dDwelling uUnit authorized under this Section 207.3 shall be considered a lawful  
22 nonconforming use subject to the provisions of Planning Code Sections 180 through 189;  
23 provided, however, that expansion of the additional dDwelling uUnit within the building  
24 envelope shall be permitted as part of the legalization process.

25 \* \* \* \*

(k) **Master List of Additional Dwelling Units Approved.** The Planning Department shall create and maintain a master list of ~~d~~Dwelling ~~#~~Units approved pursuant to the provisions of this Section 207.3 and corresponding property addresses for use by the San Francisco Rent Stabilization and Arbitration Board, Tax Assessor, and other interested City departments, boards or commissions.

**SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

\* \* \* \*

**Table 209.1  
ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
<b>NON-RESIDENTIAL STANDARDS AND USES</b>						
* * * *						
<b>Institutional Use Category</b>						
Institutional Uses*	§ 102	NP	NP	NP	NP	NP
*****	*****	*****	*****	*****	*****	*****
Residential Care Facility	§ 102	P <del>(3)</del>	P <del>(3)</del>	P <del>(3)</del>	P <del>(3)</del>	P
*****	*****	*****	*****	*****	*****	*****

\* Not listed below.

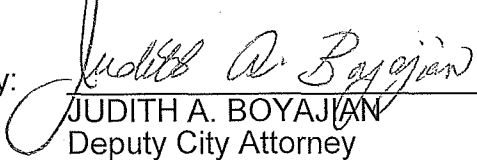
(3) [Note deleted] ~~C~~ required for seven or more persons.

1 \* \* \* \*

2 Section 3. Effective Date. This ordinance shall become effective 30 days after  
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
5 of Supervisors overrides the Mayor's veto of the ordinance.  
6

7 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the "Note" that appears under  
12 the official title of the ordinance.  
13

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

16 By:   
17 JUDITH A. BOYAJIAN  
18 Deputy City Attorney

19 n:\legan\as2019\1900565\01427847.docx  
20  
21  
22  
23  
24  
25

**REVISED LEGISLATIVE DIGEST**

(Substituted, 3/3/2020)

[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 if the applicant demonstrates compliance with the requirements of specified sections of the Rent Ordinance, 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. Legalization of dwelling units with prior no-fault evictions is allowed if the applicant, as a condition of approval, has complied or will comply with all applicable requirements of the

Rent Ordinance governing rent increase limitations, Costa-Hawkins vacancy control, and tenant rights for 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.

<n:\leganas2019\1900565\01432870.docx>

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

July 15, 2019

File No. 190757

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

Dear Ms. Gibson:

On July 9, 2019, Supervisor Mandelman submitted the proposed legislation:

**File No. 190757**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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.

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: 2019.07.25 16:15:22 -0700

**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**  
**Senior Planner, Legislative Affairs**  
San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.9129 | [www.sfplanning.org](http://www.sfplanning.org)  
[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.](#)

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**From:** Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Sent:** Wednesday, April 8, 2020 11:44 AM  
**To:** Bintliff, Jacob (BOS) <[jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)>  
**Cc:** Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto:lee.hepner@sfgov.org)>; Starr, Aaron (CPC) <[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)>; Merlone, Audrey (CPC) <[audrey.merlone@sfgov.org](mailto:audrey.merlone@sfgov.org)>; BOYAJIAN, JUDY (CAT) <[Judy.Boyajian@sfcityatty.org](mailto: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**  
**Assistant Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
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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  
San Francisco, California 94102  
(415) 554-7753 | [jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)  
*Pronouns: he, him, his*

---

**From:** Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Sent:** Wednesday, April 8, 2020 9:17 AM  
**To:** Bintliff, Jacob (BOS) <[jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)>  
**Cc:** Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto: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)**

**ERICA MAJOR**

**Assistant Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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---

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

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

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

**Cc:** Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto: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

**Jacob Bintliff**

Legislative Aide

Office of Supervisor Rafael Mandelman  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284  
San Francisco, California 94102

(415) 554-7753 | [jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)

*Pronouns: he, him, his*

---

**From:** Bintliff, Jacob (BOS)

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

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

**Cc:** Mandelman, Rafael (BOS) <[rafael.mandelman@sfgov.org](mailto: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

**Jacob Bintliff**  
Legislative Aide

Office of Supervisor Rafael Mandelman  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284  
San Francisco, California 94102  
(415) 554-7753 | [jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)  
*Pronouns: he, him, his*



# SAN FRANCISCO PLANNING DEPARTMENT

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December 27, 2019

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

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Department Case Number 2019-014348PCA:  
Exemption from Density Limits for Affordable and Unauthorized Units  
Board File No. 190757  
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Mandelman,

On December 5, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mandelman that would amend 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. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

**Recommendation 1:** Amend Section 207(c) to exempt voluntary Affordable units *only*.

**Recommendation 2:** Add a subsection to Section 207(c) for 100% Affordable projects.

**Recommendation 3:** Remove the prohibition to use the legalization program where no-fault evictions have occurred and amend the Planning and Rent Ordinance to:

- Clarify that the existing five-year price control applies to no-fault evictions in unauthorized units (Section 37.3(f) of the Administrative Code).
- Require the unit be offered to the previous tenant evicted like provisions for capital improvement (37.9a(11)), Ellis Act (37.9A), and owner move-in evictions (37.9(B)).

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

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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.

[www.sfplanning.org](http://www.sfplanning.org)

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr  
Manager of Legislative Affairs

cc:

Judy Boyajian, Deputy City Attorney  
Erin Mundy, Aide to Supervisor Mandelman  
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20584

HEARING DATE: DECEMBER 5, 2019

*Project Name:* **Exemption from Density Limits for Affordable and Unauthorized Units**  
*Case Number:* **2019-014348PCA [Board File No. 190757]**  
*Initiated by:* **Supervisor Mandelman / Introduced July 9, 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**

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Planning  
Information:  
415.558.6377

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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.; 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 July 9, 2019 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190757, which would amend 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;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 5, 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 with modifications** the proposed ordinance.

**Recommendation 1: Amend Section 207(c) to exempt voluntary Affordable units *only*.**

**Recommendation 2: Add a subsection to Section 207(c) for 100% Affordable projects.**

**Recommendation 3: Remove the prohibition to use the legalization program where no-fault evictions have occurred and amend the Planning and Rent Ordinance to:**

- a) Clarify that the existing five year price control applies to no-fault evictions in unauthorized units (Section 37.3(f) of the Administrative Code).
- b) Require the unit be offered to the previous tenant evicted similar to provisions for capital improvement (37.9a(11)), Ellis Act (37.9A), and owner move-in evictions (37.9(B)).

## 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 Planning Commission supports the proposed Ordinance with the recommended modifications to Section 207(c) because it expands the ability to build Affordable housing and Residential Care Facilities in low-density districts, closes loopholes in the UDU legalization program, and increases the ability to build/legalize more ADU's. San Francisco and the Bay Area have a housing shortage. The Planning Department is working to meet these housing needs. The ADU and UDU legalization programs have helped create new dwelling units, mostly through infill efforts. Any such effort to improve the viability of these programs should be supported. The Ordinance will build on these efforts by expanding opportunities for underutilized auxiliary structures and UDU's to become viable, affordable housing. In addition to facing a traditional housing shortage, San Francisco is also facing a shortage of Skilled Nursing Facilities (SNF's). As the number of SNFs in San Francisco continue to decline, Residential Care Facilities are one way of filling the gap in long-term care. As long-term care continues to shift to a more residential model, Residential Care Facilities are also in increasing demand. The proposed amendments will provide more opportunities for Residential Care Facilities to establish themselves in San Francisco.
2. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT



**OBJECTIVE 1**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

**Policy 1.5**

Consider secondary units in community plans where there is neighborhood support and when other neighborhood goals can be achieved, especially if that housing is made permanently affordable to lower-income households.

*The proposed Ordinance would provide further flexibility for Accessory Dwelling unit program in pursuit of goals to increase housing opportunities. It would also provide more opportunities to preserve existing unauthorized units.*

**OBJECTIVE 4**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

*The proposed Ordinance will expand opportunities for Residential Care in San Francisco neighborhoods, including Residential Care Facility for the Elderly (RCFE) facilities, those seeking treatment for substance abuse, mental health, and for persons with disabilities to support their ability to live independently in the community.*

**OBJECTIVE 7**

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

**Policy 7.7**

Support housing for middle income households, especially through programs that do not require a direct public subsidy.

*ADUs and UDU's are subordinate to the original unit due to their size, location of the entrance, lower ceiling heights, etc. ADUs and UDU's provide a lower rent compared to the residential units developed in newly constructed buildings and therefore the proposed Ordinance would support housing for middle income households.*

*Removing dwelling unit density limits for 100% affordable projects and excluding voluntary affordable units from density calculations will additionally assist in building permanently affordable housing without public subsidy.*

**COMMERCE AND INDUSTRY ELEMENT**

**OBJECTIVE 7**

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

**Policy 7.3**

Promote the provision of adequate health and educational services to all geographical districts and cultural groups in the city.

*The proposed Ordinance will assist in expanding the reach of Residential Care Facilities across the city, by loosening the restrictions on where they may locate by-right, and by removing the size restrictions based on the number of beds provided.*

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 WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 5, 2019.



Jonas P. Ionin  
Commission Secretary

AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore

NOES: None

ABSENT: Richards

ADOPTED: December 5, 2019

1 [Approval of a 60-Day Extension for Planning Commission Review of Exemption from Density  
2 Limits for Affordable and Unauthorized Units; Residential Care Facilities (File No. 190757)]

3 **Resolution extending by 60 days the prescribed time within which the Planning**  
4 **Commission may render its decision on an Ordinance (File No. 190757) amending the**  
5 **Planning Code to provide an exception from density limit calculations for all affordable**  
6 **units in projects not seeking and receiving a density bonus, permit the legalization of**  
7 **all unauthorized dwelling units notwithstanding a history of no-fault evictions, and**  
8 **principally permit residential care facilities for seven or more persons in all RH**  
9 **(Residential, House) zoning districts; affirming the Planning Department's**  
10 **determination under the California Environmental Quality Act; making findings of**  
11 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
12 **Section 101.1; and adopting findings of public necessity, convenience, and welfare**  
13 **under Planning Code, Section 302.**

14  
15 WHEREAS, On July 9, 2019, Supervisor Mandelman introduced legislation amending  
16 the Planning Code to provide an exception from density limit calculations for all affordable  
17 units in projects not seeking and receiving a density bonus, permit the legalization of all  
18 unauthorized dwelling units notwithstanding a history of no-fault evictions, and principally  
19 permit residential care facilities for seven or more persons in all RH (Residential, House)  
20 zoning districts, affirming the Planning Department's California Environmental Quality Act  
21 determination, making findings of consistency with the General Plan, and the eight priority  
22 policies of Planning Code, Section 101.1, and adopting findings of public necessity,  
23 convenience, and general welfare under Planning Code, Section 302; and

24 WHEREAS, On or about July 15, 2019, the Clerk of the Board of Supervisors referred  
25 the proposed ordinance to the Planning Commission; and

1           WHEREAS, The Planning Commission shall, in accordance with Planning Code  
2 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date  
3 of referral of the proposed amendment or modification by the Board to the Commission; and

4           WHEREAS, Failure of the Commission to act within 90 days shall be deemed to  
5 constitute disapproval; and

6           WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d), may, by  
7 Resolution, extend the prescribed time within which the Planning Commission is to render its  
8 decision on proposed amendments to the Planning Code that the Board of Supervisors  
9 initiates; and

10           WHEREAS, On October 1, 2019, the Board approved Resolution No. 435-19, to allow  
11 additional time for the Planning Commission to review the proposed Ordinance, extending the  
12 deadline by 30 days to November 12, 2019; and

13           WHEREAS, Supervisor Mandelman has requested additional time for the Planning  
14 Commission to review the proposed Ordinance; and

15           WHEREAS, The Board deems it appropriate in this instance to grant to the Planning  
16 Commission additional time to review the proposed Ordinance and render its decision; now,  
17 therefore, be it

18           RESOLVED, That by this Resolution, the Board hereby extends the prescribed time  
19 within which the Planning Commission may render its decision on the proposed Ordinance for  
20 approximately 60 additional days, until January 11, 2020.



City and County of San Francisco  
Tails  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 191132

Date Passed: November 12, 2019

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 190757) 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 welfare under Planning Code, Section 302.

November 12, 2019 Board of Supervisors - ADOPTED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Ronen, Safai, Stefani, Walton and Yee  
Absent: 1 - Peskin

File No. 191132

I hereby certify that the foregoing  
Resolution was ADOPTED on 11/12/2019  
by the Board of Supervisors of the City and  
County of San Francisco.

Angela Calvillo  
Clerk of the Board

London N. Breed  
Mayor

11/21/19

Date Approved

1 [Approval of a 30-Day Extension for Planning Commission Review of Exemption from Density  
2 Limits for Affordable and Unauthorized Units; Residential Care Facilities (File No. 190757)]

3 **Resolution extending by 30 days the prescribed time within which the Planning**  
4 **Commission may render its decision on a Ordinance (File No. 190757) amending the**  
5 **Planning Code to provide an exception from density limit calculations for all affordable**  
6 **units in projects not seeking and receiving a density bonus, permit the legalization of**  
7 **all unauthorized dwelling units notwithstanding a history of no-fault evictions, and**  
8 **principally permit residential care facilities for seven or more persons in all RH**  
9 **(Residential, House) zoning districts; affirming the Planning Department's**  
10 **determination under the California Environmental Quality Act; making findings of**  
11 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
12 **Section 101.1; and making findings of public necessity, convenience, and welfare**  
13 **pursuant to Planning Code, Section 302.**

14  
15 WHEREAS, On July 9, 2019, Supervisor Mandelman introduced legislation amending  
16 the Planning Code to provide an exception from density limit calculations for all affordable  
17 units in projects not seeking and receiving a density bonus, permit the legalization of all  
18 unauthorized dwelling units notwithstanding a history of no-fault evictions, and principally  
19 permit residential care facilities for seven or more persons in all RH (Residential, House)  
20 zoning districts, and affirming the Planning Department's California Environmental Quality Act  
21 determination; and making Planning Code, Section 302, findings, and making findings of  
22 consistency with the General Plan, and the eight priority policies of Planning Code, Section  
23 101.1; and

24 WHEREAS, On or about July 15, 2019, the Clerk of the Board of Supervisors referred  
25 the proposed ordinance to the Planning Commission; and

1           WHEREAS, The Planning Commission shall, in accordance with Planning Code  
2 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date  
3 of referral of the proposed amendment or modification by the Board to the Commission; and

4           WHEREAS, Failure of the Commission to act within 90 days shall be deemed to  
5 constitute disapproval; and

6           WHEREAS, The Board, in accordance with Planning Code Section 306.4(d) may, by  
7 Resolution, extend the prescribed time within which the Planning Commission is to render its  
8 decision on proposed amendments to the Planning Code that the Board of Supervisors  
9 initiates; and

10          WHEREAS, Supervisor Mandelman has requested additional time for the Planning  
11 Commission to review the proposed Ordinance; and

12          WHEREAS, The Board deems it appropriate in this instance to grant to the Planning  
13 Commission additional time to review the proposed Ordinance and render its decision; now,  
14 therefore, be it

15          RESOLVED, That by this Resolution, the Board hereby extends the prescribed time  
16 within which the Planning Commission may render its decision on the proposed Ordinance for  
17 approximately 30 additional days, until November 12, 2019.





City and County of San Francisco

Tails  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 190985

Date Passed: October 01, 2019

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 190757) 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

October 01, 2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190985

I hereby certify that the foregoing  
Resolution was ADOPTED on 10/1/2019 by  
the Board of Supervisors of the City and  
County of San Francisco.

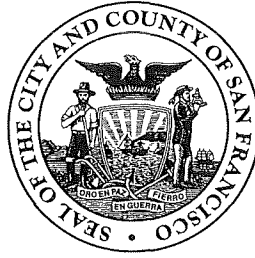
Angela Calvillo  
Clerk of the Board

London N. Breed  
Mayor

10/11/2019

Date Approved

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

March 11, 2020

File No. 190757

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

Dear Ms. Gibson:

On March 3, 2020, Supervisor Mandelman submitted the following legislation:

**File No. 190757**

**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 if the applicant demonstrates compliance with the requirements of specified sections of the Rent Ordinance, 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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

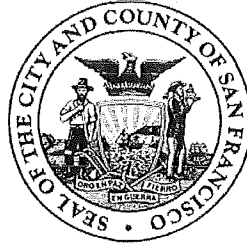
A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

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

BOARD of SUPERVISORS



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

March 11, 2020

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

Dear Commissioners:

On March 3, 2020, Supervisor Mandelman introduced the following legislation:

**File No. 190757**

**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 if the applicant demonstrates compliance with the requirements of specified sections of the Rent Ordinance, 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.**

The 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

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: Rich Hillis, Director  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Adam Varat, Assistant Director of Citywide Planning  
AnMarie Rodgers, Legislative Affairs  
Aaron Starr, Manager of Legislative Affairs  
Andrea Ruiz-Esquide, Deputy City Attorney  
Joy Navarrete, Major Environmental Analysis

BOARD of SUPERVISORS



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July 15, 2019

File No. 190757

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

Dear Ms. Gibson:

On July 9, 2019, Supervisor Mandelman submitted the proposed legislation:

**File No. 190757**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

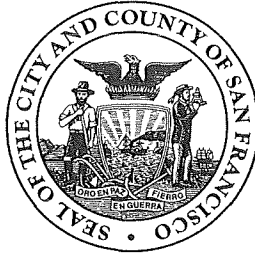
A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

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

BOARD of SUPERVISORS



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

July 15, 2019

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

Dear Commissioners:

On July 9, 2019, Supervisor Mandelman submitted the following proposed legislation:

**File No. 190757**

**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.**

The proposed ordinances are being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinances are 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

A handwritten signature in cursive script, appearing to read "Erica Major".

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  
Laura Lynch, Environmental Planning

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 MAR -3 PM 1:21  
Time stamp

BY [Signature]  
or meeting date

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

- 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. 190757
- 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
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Mandelman

Subject:

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

The text is listed:

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 if the applicant demonstrates compliance with the requirements of specified sections of the Rent Ordinance, 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.

Signature of Sponsoring Supervisor:

[Signature]

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2019 JUL -9 PM 3:12  
 Time stamp or meeting date  
 AK

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

- 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
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Supervisor Rafael Mandelman

Subject:

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

The text is listed:

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.

Signature of Sponsoring Supervisor: 