



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: NOVEMBER 21, 2019

90-DAY DEADLINE: JANUARY 14, 2020

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
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Reviewed by: Aaron Starr, Manager of Legislative Affairs
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Recommendation: **Approval**

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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 color¹, however the housing crisis has forced many educators to move outside of the city². 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

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



SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT A

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]

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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

Dwelling Unit Mix Requirements

RTO, RCD, NCT, Pacific Ave. NCD, Polk St. NCD	Eastern Neighborhoods MUD's	Projects Proposing 10 or More Dwelling Units (<i>except in districts where higher amounts apply</i>)
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.*

**UESF****United Educators of San Francisco**
AFT/CFT, AFL-CIO ■ NEA/CTA2310 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

1 [Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]
 2
 3 **Ordinance amending the Planning Code to require at least half of residential units in**
 4 **Educator Housing projects to have two or more bedrooms, to eliminate the requirement**
 5 **that Educator Housing projects have a minimum amount of three-bedroom units,**
 6 **conditioned on the passage of Proposition E in the November 5, 2019, Municipal**
 7 **Consolidated Election; affirming the Planning Department’s determination under the**
 8 **California Environmental Quality Act; making findings of consistency with the General**
 9 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**
 10 **findings of public convenience, necessity, and welfare under Planning Code,**
 11 **Section 302.**

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

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

20 Section 1. Environmental and Planning Code Findings.

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

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

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

11
12 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
13 206.9, as proposed by Proposition E on the November 5, 2019 Consolidated Municipal
14 Election ballot, to read as follows:

15 **SECTION 206.9. 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING**
16 **STREAMLINING PROGRAM.**

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

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

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

7 (2) "100% Affordable Housing Project." A project for the development of
8 Residential Units all of which are 100% Affordable Housing, up to a maximum overall average
9 of 80% AMI across all Residential Units in the project. A 100% Affordable Housing Project
10 may also include principally permitted non-residential uses on the ground floor, and non-
11 residential uses that are accessory to and supportive of the affordable housing.
12 Notwithstanding the foregoing, the maximum affordable rent or sales price for a Residential
13 Unit in a 100% Affordable Housing Project may be no higher than 20% below median market
14 rents or sales prices for that unit size in the neighborhood in which the project is located,
15 which neighborhood shall be defined in accordance with the American Community Survey
16 Neighborhood Profile Boundaries Map. MOHCD shall determine the allowable rents and
17 sales prices, and the eligible households for such units accordingly.

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

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

7 (A) No units in an Educator Housing Project shall be smaller than
8 the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May
9 16, 2017, or smaller than 300 square feet for a studio.

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

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

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

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

- 21 (1) is located in any zoning district that allows Residential Uses;
- 22 (2) is located on a lot or lots equal to or greater than 10,000 square feet;
- 23 (3) is not located on land under the jurisdiction of the Recreation and Parks

24 Department for the purpose of a public park;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6
7 Section 3. Purpose Finding.

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

10
11 Section 4. Effective and Operative Dates.

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

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

19
20 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code (as proposed by Proposition E on the November 5, 2019 Consolidated Municipal
24 Election ballot) that are explicitly shown in this ordinance as additions, deletions, Board
25

1 amendment additions, and Board amendment deletions in accordance with the “Note” that
2 appears under the official title of the ordinance.

3
4 Section 5. Supermajority Vote Requirement. Under Planning Code Section 206.9(h), if
5 Proposition E on the November 5, 2019 Consolidated Municipal Election ballot is approved,
6 the City may enact this ordinance only if the Board approves the ordinance by at least a two-
7 thirds vote of all its members.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: AUDREY WILLIAMS PEARSON
12 Deputy City Attorney

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