



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: APRIL 19, 2012

Date: April 12, 2012
Case No.: 2011.0206T [BF 11-1374]
Project Address: **Planning Code Amendments: Student Housing**
Initiated by: Supervisor Wiener/Amendments introduced March 26, 2012
Staff Contact: Sophie Hayward – (415) 558-6372
sophie.hayward@sfgov.org
Reviewed by: AnMarie Rodgers, Manager, Legislative Affairs
Anmarie.rodgers@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This memorandum concerns the proposed Ordinance creating a definition of Student Housing with other associated controls [BF 11-1374]. This proposed Ordinance was re-referred to the Planning Commission from the Board of Supervisor's Land Use and Economic Development Committee on March 26, 2012. **Based on the expanded scope of amendments to the proposed Ordinance, Planning Department Staff is requesting a continuance from the April 19, 2012 hearing to May 17, 2012, in order to research the issues and to conduct further outreach.**

BACKGROUND

On November 10, 2011 the Planning Commission adopted Resolution 18485 recommending that the Board of Supervisors adopt a proposed Ordinance to amend the Planning Code controls for Student Housing.

The proposed Ordinance transmitted to the Board of Supervisors would amend the Planning Code (herein after "Code") to achieve the following: 1) encourage the production of new Student Housing; 2) protect the existing housing stock; 3) create a definition of Student Housing that may be used throughout the Planning Code; and 4) make additional modifications to the Planning Code for consistency and clarity.

On January 10, 2012, Supervisor Wiener signed on as a Board Sponsor and introduced the legislation.

STATUS OF AMENDMENTS TO THE PROPOSED LEGISLATION

On March 26, 2012, the Land Use and Economic Development Committee accepted amendments to the proposed legislation submitted by Supervisor Wiener, and requested that the legislation be re-referred to the Planning Commission for further review. On Wednesday, April 11, the Department received a memo from Supervisor Kim in which additional amendments to the proposed legislation are outlined. The amendments proposed by Supervisor Kim have not yet been introduced at the Board of Supervisors.

Please find the following documents attached: Planning Commission Resolution 18485, the March 27, 0212 Re-Referral from the Land Use Committee with Supervisor Wiener's amendments, and a Memo dated April 11, 2012 from Supervisor Kim with further proposed amendments.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18485

HEARING DATE: NOVEMBER 10, 2011

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: November 3, 2011
Case No.: **2011.0206T**
Project Address: **Planning Code Amendments: Student Housing**
Initiated by: John Rahaim, Director of Planning
Staff Contact: Sophie Hayward – (415) 558-6372
sophie.hayward@sfgov.org
Reviewed by: AnMarie Rodgers, Manager, Legislative Affairs
Anmarie.rodgers@sfgov.org
Recommendation: **Recommend Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ADD A NEW SECTION 102.36 TO CREATE A DEFINITION OF STUDENT HOUSING, TO AMEND SECTION 135(D)(2) TO ADJUST THE MINIMUM OPEN SPACE REQUIREMENTS FOR DWELLING UNITS THAT DO NOT EXCEED 350 SQUARE FEET PLUS A BATHROOM, TO AMEND SECTION 207(B)(3) TO EXEMPT STUDENT HOUSING FROM THE UNIT MIX REQUIREMENT IN RTO, NCT, DTR, AND EASTERN NEIGHBORHOOD MIXED-USE DISTRICTS, TO AMEND SECTION 307 TO PERMIT THE CONVERSION OF STUDENT HOUSING TO RESIDENTIAL USES THAT DO NOT QUALIFY AS STUDENT HOUSING, TO AMEND SECTION 312 TO REQUIRE NOTICE FOR A CHANGE OF USE TO GROUP HOUSING IN NC DISTRICTS, TO AMEND SECTION 317 TO PROHIBIT THE CONVERSION OF RESIDENTIAL USES TO STUDENT HOUSING, AND TO AMEND SECTION 401 TO MAKE CONFORMING AMENDMENTS AND TO MODIFY THE DEFINITION OF QUALIFIED STUDENT HOUSING.

PREAMBLE

WHEREAS, the existing Code does not include a clear definition of Student Housing based on occupancy and ownership or control that is applicable citywide; and

WHEREAS, the Code sections controlling loss of dwelling units do not specifically address the conversion from housing to Student Housing; and

WHEREAS, the Code does not provide a clear process for converting Student Housing to housing; and

WHEREAS, the open space requirements for dwelling units that are smaller than 350 square feet plus a bathroom may be greater than the actual need; and

WHEREAS, the dwelling unit mix requirement within the RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use Districts may not facilitate the production of new Student Housing; and

WHEREAS, no neighborhood notification is currently required for the addition of new Group Housing within the NC Districts, which appears to be inconsistent with other noticing requirements within the NC Districts; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

Whereas, on November 10, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, pursuant to Planning Code Section 306.3 the Planning Commission adopted Resolution No. 18477 initiating amendments to the Planning Code on October 27, 2011; and

Whereas, the 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 the applicant, Department staff, and other interested parties; and

Whereas, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the 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 Commission has reviewed the proposed Ordinance.

MOVED, that the Commission hereby *adopts* this Resolution to recommend approval of the draft Ordinance to the Board of Supervisors, with additional modifications to Planning Code Section 317, as recommended by Staff at the public hearing; and

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 Ordinance will encourage the production of new student housing while protecting the City's existing housing stock by prohibiting the conversion from any form of housing to student housing, and by providing incentives for the construction of new student housing;
2. The new definition of student housing acknowledges the different forms that new student housing may take, such as very small efficiency dwellings with individual kitchens and bathrooms in addition to group housing;
3. The Ordinance provides incentives to construct new student housing such as an exemption from the unit mix requirements within RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use

districts, a reduction in the open space requirements for very small dwelling units, and a streamlined process by which student housing may be converted to standard housing.

4. The proposed modification to Planning Code Section 3179(f)(1) clarifies when residential uses are defined by adding the sentence: For the purposes of this subsection, residential uses that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.

5. **General Plan Compliance.** This Resolution is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

POLICY 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

POLICY 1.9

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The proposed Ordinance recognizes the need for new student housing, and is intended to encourage the production of new student housing while protecting the City's existing housing stock. The proposed Ordinance will provide incentives for providing new student housing in transit-rich neighborhoods such as RTO, NCT, DTR, and Eastern Neighborhoods Mixed-Use Districts. In addition, the proposed Ordinance recognizes that the City's existing housing stock, particularly forms such as Group Housing and SROs that often provide housing for low-income residents, need protection from conversion to student housing.

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

POLICY 2.2

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

The proposed Ordinance would protect the existing housing stock from conversion from standard housing to student housing.

6. This Resolution is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced.
 - B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - C) The City's supply of affordable housing will be preserved and enhanced.
 - D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking.
 - E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced.
 - F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
 - G) That landmark and historic buildings will be preserved.
 - H) Parks and open space and their access to sunlight and vistas will be protected from development.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on November 10, 2011.

Linda Avery
Commission Secretary

AYES: Commissioners Borden, Fong, Miguel, Moore, Sugaya

Resolution No. 18485
Hearing Date: November 10, 2011

CASE NO. 2011.0206T
Definition of Student Housing and Modifications

NAYS: Commissioner Antonini

ABSENT: Commissioner Olague

ADOPTED: November 10, 2011

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 27, 2012

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On March 26, 2012, the Land Use and Economic Development Committee accepted amendments to the proposed legislation and requested it be re-referred back to the Planning Department and Commission for consideration.

File No. 111374-2

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312, to require notice for a change of use to Group Housing; 6) amending Section 317, to prohibit the conversion of residential units into Student Housing, except in specified circumstances; 7) amending Section 401, to make conforming amendments and amend the definition of Qualified Student Housing; 8) amending Section 214, to create a new subsection (k), to permit additional square footage above the floor area ratio limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as Significant or Contributory pursuant to Article 11; 9) amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and 10) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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 & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board



By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

1 [Planning Code - Creating a New Definition of Student Housing]

2
3 **Ordinance amending the San Francisco Planning Code by: 1) adding a new Section**
4 **102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to**
5 **adjust the minimum open space requirements for dwelling units that do not exceed 350**
6 **square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student**
7 **Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods**
8 **Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student**
9 **Housing into residential uses, when certain conditions are met; 5) amending Section**
10 **312, to require notice for a change of use to Group Housing; 6) amending Section 317,**
11 **to prohibit the conversion of residential units into Student Housing, except in specified**
12 **circumstances; and 7) amending Section 401, to make conforming amendments and**
13 **amend the definition of Qualified Student Housing; 8) amending Section 214, to create**
14 **a new subsection (k), to permit additional square footage above the floor area ratio**
15 **limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S**
16 **Districts, that are not designated as Significant or Contributory pursuant to Article 11;**
17 **9) amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and**
18 **10) making findings, including environmental findings and findings of consistency with**
19 **the priority policies of Planning Code Section 101.1 and the General Plan.**

20 NOTE: Additions are *single-underline italics Times New Roman*;
21 deletions are *strike-through italics Times New Roman*.
22 Board amendment additions are double-underlined;
23 Board amendment deletions are ~~strikethrough-normal~~.

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

24 Section 1. Findings. The Board of Supervisors of the City and County of San
25 Francisco hereby finds and determines that:

Supervisor Wiener
BOARD OF SUPERVISORS

1 (a) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. 111374 and is incorporated herein by
5 reference.

6 (b) On November 3, 2011, the Planning Commission, in Resolution
7 No. 18485 approved and recommended for adoption by the Board of Supervisors
8 this legislation and adopted findings that it is consistent, on balance, with the City's General
9 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
10 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
11 Supervisors in File No. 111374, and is incorporated by reference herein.

12 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
13 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
14 Planning Commission Resolution No. 18485, and incorporates such reasons by
15 reference herein.

16
17 Section 2. The San Francisco Planning Code is hereby amended by adding Section
18 102.36, to read as follows:

19 **SEC. 102.36. STUDENT HOUSING.**

20 Student Housing is a living space for students of accredited post-secondary Educational
21 Institutions that may take the form of dwelling units, group housing, or a SRO. Unless expressly
22 provided for elsewhere in this Code, the use of Student Housing is permitted where the form of
23 housing is permitted in the underlying Zoning District in which it is located. Student Housing must be
24 owned, operated or otherwise controlled by an accredited post-secondary Educational Institution, as
25 defined in Section 209.3(i) of this Code. Student Housing may consist of all or part of a building.

1
2 Section 3. The San Francisco Planning Code is hereby amended by amending Section
3 135(d)(2), to read as follows:

4 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**
5 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**

6 (d)(2) For group housing structures, ~~and~~ SRO units, and dwelling units that measure less
7 than 350 square feet plus a bathroom, the minimum amount of usable open space provided for
8 use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in
9 Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot
10 shall in no case be considered to be less than one bedroom for each two beds. Where the
11 actual number of beds exceeds an average of two beds for each bedroom, each two beds
12 shall be considered equivalent to one bedroom.

13 Section 4. The San Francisco Planning Code is hereby amended by amending Section
14 207.6(b)(3), to read as follows:

15 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND**
16 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

17 (3) This Section does not apply to buildings for which 100 percent of the residential
18 uses are: group housing, dwelling units which are provided at below market rates pursuant to
19 Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, ~~s~~Student ~~H~~Housing (as
20 defined in Sec. ~~315.1.38-106.36~~), or housing specifically and permanently designated for
21 seniors or persons with physical disabilities.

22
23 Section 5. The San Francisco Planning Code is hereby amended by adding Section
24 307(j), to read as follows:

25 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

1 (j) Conversion from Student Housing to Non-Student Residential Use. If a residential
2 project no longer qualifies as Student Housing as defined in Planning Code Section 102.36, the Zoning
3 Administrator may allow the conversion of the Student Housing to any permitted residential use in the
4 zoning district in which the Student Housing is located upon determination that the converted Student
5 Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined
6 in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable
7 to that residential use have been met or modified through appropriate procedures.

8
9 Section 6. The San Francisco Planning Code is hereby amended by amending
10 Section 312(c), to read as follows:

11 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (c) Changes of Use. In NC Districts, all building permit applications for a change of
14 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
15 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
16 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as
17 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
18 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as
19 defined in Section 790.93, a massage establishment, as defined in Section 790.60, an
20 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined
21 in Sections 790.36 and 790.38, ~~or~~ a fringe financial service use, as defined in Section
22 790.111, or Group Housing as defined in Section 790.88(b) shall be subject to the provisions of
23 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit
24 applications for a change of use from any one land use category to another land use category
25 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage

1 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
2 provisions of Subsection 312(d).

3 For the purposes of this Subsection, "land use category" shall mean those categories
4 used to organize the individual land uses which appear in the use tables in Article 8,
5 immediately preceding a group of individual land uses, and include the following: residential
6 use, institutional use, retail sales and service use, assembly, recreation and entertainment
7 use, office use, motor vehicle services use, industrial home and business service use, or other
8 use.

9
10 Section 7. The San Francisco Planning Code is hereby amended by amending Section
11 317, subsections (b)(1) and (f)(1), to read as follows:

12 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
13 **DEMOLITION.**

14 (b)(1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
15 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
16 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
17 to a non-residential use. The change of occupancy from a dwelling unit, group housing, or SRO to
18 Student Housing is also considered a conversion of a residential unit. Notwithstanding the
19 foregoing, the change of use or occupancy of a dwelling unit, group housing, or SRO to
20 Student Housing is not considered a conversion of a residential unit if the dwelling unit, group
21 housing or SRO (i) was built by the post-secondary Educational Institution that will own,
22 operate or otherwise control the Student Housing; (ii) is in a convent, monastery (or similar
23 religious order facility); or (iii) is on a lot directly adjacent to the post-secondary Educational
24 Institution that will own, operate or otherwise control the Student Housing, so long as the lot
25

1 has been owned by the post-secondary Educational Institution for at least ten years as of the
2 effective date of this ordinance.

3 (f) Loss of Residential Units Through Conversion.

4 (1) Conversion of Residential Units not otherwise subject to Conditional Use
5 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
6 building permit application at a Mandatory Discretionary Review hearing. The conversion of
7 residential uses units to Student Housing is prohibited. For the purposes of this subsection,
8 residential uses units that have been defined as such by the time a First Certificate of Occupancy has
9 been issued by the Department of Building Inspection for new construction shall not be converted to
10 Student Housing.

11
12 Section 8. The San Francisco Planning Code is hereby amended by amending the
13 definitions of "Qualified Student Housing Project" and "Student Housing" in Section 401, to
14 read as follows:

15 **SEC. 401. DEFINITIONS.**

16 "Qualified Student Housing Project" shall mean any ~~Student~~ Housing project that
17 contains housing for Qualified Students and which may also contain housing for persons who
18 are enrolled students but not Qualified Students, created either through new construction or
19 conversion of an existing building or space. A Qualified Student Housing Project may consist of
20 all or part of a building.

21 "~~Student~~ Housing." ~~A building where 100 percent of the residential uses are affiliated with~~
22 ~~and operated by an accredited post-secondary educational institution. Typically, student housing is for~~
23 ~~rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for~~
24 ~~one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use~~
25 ~~Districts. As defined in Planning Code Section 102.36.~~

1
2 Section 9. The San Francisco Planning Code is hereby amended by amending Section
3 214, to add a new subsection (k), to read as follows:

4 **SEC. 124. BASIC FLOOR AREA RATIO.**

5 (k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant
6 or Contributory pursuant to Article 11 of this Code, additional square footage above that
7 permitted by the base floor area ratio limits set forth above may be approved for construction
8 of a project, or portion thereof, that constitutes a Qualified Student Housing Project, as
9 defined in Section 401 of this Code. Such approval shall be subject to the conditional use
10 procedures and criteria in Section 303 of this Code.

11
12 Section 10. The San Francisco Planning Code is hereby amended by amending
13 Table 814, in Section 814, and by adding a new # to the Specific Provisions section of that
14 Table, to read as follows:

15 814.16(a)	16 Student Housing	17 § 315.1(38) <u>102.36</u>	18 C#
--------------	--------------------	---	-------

19 **SPECIFIC PROVISIONS FOR SPD DISTRICTS**

20 Article Code Section	21 Other Code Section	22 Zoning Controls
23 <u>§ 814.16</u>	24 <u>§ 102.36</u>	25 <u>Student Housing generally is permitted where the particular form of housing is permitted in the underlying Zoning District in which it is located (see Section 102.36.) However, in the South</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

		<u>Park District Student Housing is subject to a conditional use requirement subject to Section 303.</u>
--	--	--

Section 11. The San Francisco Planning Code is hereby amended by amending Tables 840, 841, 842 and 843, in Sections 840, 841, 842 and 843, to read as follows:

840.23	Student Housing	§ 315.1(38)	C
--------	-----------------	-------------	---

841.23	Student Housing	§ 315.1(38)	C
--------	-----------------	-------------	---

842.23	Student Housing	§ 315.1(38)	C
--------	-----------------	-------------	---

843.23	Student Housing	§ 315.1(38)	C
--------	-----------------	-------------	---

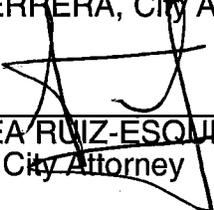
Section 12. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 13. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent parts of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance to the "Note" that appears under the official title of this legislation. This Ordinance

1 shall not be construed to effectuate any unintended amendments. Any additions or deletions
2 not explicitly shown as described above, omissions, or other technical and non-substantive
3 differences between this Ordinance and the Planning Code that are contained in this
4 legislation are purely accidental and shall not effectuate an amendment to the Planning Code.
5 The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
6 affected City departments, to make those necessary adjustments to the published Planning
7 Code, including non-substantive changes such as renumbering or relettering, to ensure that
8 the published version of the Planning Code is consistent with the laws that this Board enacts.

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

11
12 By:



ANDREA RUIZ-ESQUIDE
Deputy City Attorney

Member, Board of Supervisors
District 6



City and County of San Francisco

JANE KIM
金貞妍

To: President Rodney Fong and Members of the Planning Commission

From: Supervisor Jane Kim

Date: April 11, 2012

Re: Amendments to Student Housing Definition – Planning Code

Dear President Fong and Commissioners:

Thank you for the opportunity to address you on the Definition of Student Housing that you are considering. This legislation provides us with an important opportunity to create a definition of Student Housing for our Planning Code. It is my strong belief that all stakeholders have an interest in a strong and clear definition. I would like to explore a definition that would allow a certain degree of flexibility for those buildings that have historically been vacant and severely underutilized and create blight for our neighborhood. To address that specific issue I have included with this memo draft amendments to the original legislation that the commission considered and recommended on November 10th 2011. My amendments provide an opportunity for vacant and underutilized building to convert to student housing through a Conditional Use process. These amendments are included in the attached legislation and start of page 6 and continue on page 7 and include clear definitions for what we consider vacant and underutilized buildings.

Thank you for your consideration,

Regards,

A handwritten signature in blue ink, appearing to read "Jane Kim".

Supervisor Jane Kim

1 [Planning Code – Creating a New Definition of Student Housing.]

2

3 **Ordinance amending the San Francisco Planning Code by 1) adding a new Section**
 4 **102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to**
 5 **adjust the minimum open space requirements for dwelling units that do not exceed 350**
 6 **square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student**
 7 **Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods**
 8 **Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student**
 9 **Housing into residential uses, when certain conditions are met; 5) amending Section**
 10 **312, to require notice for a change of use to Group Housing; 6) amending Section 317,**
 11 **to prohibit the conversion of residential units into Student Housing, except in specified**
 12 **circumstances; and 7) amending Section 401, to make conforming amendments and**
 13 **amend the definition of Qualified Student Housing; 8) amending Section 214, to create**
 14 **a new subsection (k), to permit additional square footage above the floor area ratio**
 15 **limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S**
 16 **Districts, that are not designated as Significant or Contributory pursuant to Article 11;**
 17 **amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and**
 18 **making findings, including environmental findings and findings of consistency with the**
 19 **priority policies of Planning Code Section 101.1 and the General Plan.**

20

NOTE: Additions are *single-underline italics Times New Roman*;
 deletions are *strike-through italics Times New Roman*.
 Board amendment additions are double-underlined;
 Board amendment deletions are ~~striketrough normal~~.

21

22

23

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

24

Section 1. Findings. The Board of Supervisors of the City and County of San

25

Francisco hereby finds and determines that:

1 (a) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. _____ and is incorporated herein by
5 reference.

6 (b) On _____, 2011, the Planning Commission, in Resolution
7 No. _____ approved and recommended for adoption by the Board of Supervisors
8 this legislation and adopted findings that it is consistent, on balance, with the City's General
9 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
10 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
11 Supervisors in File No. _____, and is incorporated by reference herein.

12 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
13 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
14 Planning Commission Resolution No. _____, and incorporates such reasons by
15 reference herein.

16
17 Section 2. The San Francisco Planning Code is hereby amended by adding Section
18 102.36, to read as follows:

19 **SEC. 102.36. STUDENT HOUSING.**

20 Student Housing is a living space for students of accredited post-secondary Educational
21 Institutions that may take the form of dwelling units, group housing, or a SRO. Unless expressly
22 provided for elsewhere in this Code, the use of Student Housing is permitted where the form of
23 housing is permitted in the underlying Zoning District in which it is located. Student Housing must be
24 owned, operated or otherwise controlled by an accredited post-secondary Educational Institution, as
25 defined in Section 209.3(i) of this Code. Student Housing may consist of all or part of a building.

1
2 Section 3. The San Francisco Planning Code is hereby amended by amending Section
3 135(d)(2), to read as follows:

4 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**
5 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**

6 (d)(2) For group housing structures, ~~and~~ SRO units, *and dwelling units that measure less*
7 *than 350 square feet plus a bathroom,* the minimum amount of usable open space provided for
8 use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in
9 Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot
10 shall in no case be considered to be less than one bedroom for each two beds. Where the
11 actual number of beds exceeds an average of two beds for each bedroom, each two beds
12 shall be considered equivalent to one bedroom.

13 Section 4. The San Francisco Planning Code is hereby amended by amending Section
14 207.6(b)(3), to read as follows:

15 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND**
16 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

17 (3) This Section does not apply to buildings for which 100 percent of the residential
18 uses are: group housing, dwelling units which are provided at below market rates pursuant to
19 Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, ~~s~~Student ~~H~~Housing (as
20 defined in Sec. ~~315.1.38~~ 106.36), or housing specifically and permanently designated for
21 seniors or persons with physical disabilities.

22
23 Section 5. The San Francisco Planning Code is hereby amended by adding Section
24 307(j), to read as follows:

25 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

1 (j) Conversion from Student Housing to Non-Student Residential Use. If a residential
2 project no longer qualifies as Student Housing as defined in Planning Code Section 102.36, the Zoning
3 Administrator may allow the conversion of the Student Housing to any permitted residential use in the
4 zoning district in which the Student Housing is located upon determination that the converted Student
5 Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined
6 in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable
7 to that residential use have been met or modified through appropriate procedures.

8
9 Section 6. The San Francisco Planning Code is hereby amended by amending
10 Section 312(c), to read as follows:

11 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (c) Changes of Use. In NC Districts, all building permit applications for a change of
14 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
15 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
16 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as
17 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
18 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as
19 defined in Section 790.93, a massage establishment, as defined in Section 790.60, an
20 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined
21 in Sections 790.36 and 790.38, ~~or~~ a fringe financial service use, as defined in Section
22 790.111, or Group Housing as defined in Section 790.88(b) shall be subject to the provisions of
23 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit
24 applications for a change of use from any one land use category to another land use category
25 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage

1 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
2 provisions of Subsection 312(d).

3 For the purposes of this Subsection, "land use category" shall mean those categories
4 used to organize the individual land uses which appear in the use tables in Article 8,
5 immediately preceding a group of individual land uses, and include the following: residential
6 use, institutional use, retail sales and service use, assembly, recreation and entertainment
7 use, office use, motor vehicle services use, industrial home and business service use, or other
8 use.

9
10 Section 7. The San Francisco Planning Code is hereby amended by amending Section
11 317, subsections (b)(1) and (f)(1), to read as follows:

12 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
13 **DEMOLITION.**

14 (b)(1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
15 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
16 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
17 to a non-residential use. The change of occupancy from a dwelling unit, group housing, or SRO to
18 Student Housing is also considered a conversion of a residential unit. Notwithstanding the
19 foregoing, the change of use or occupancy of a dwelling unit, group housing, or SRO to
20 Student Housing is not considered a conversion of a residential unit if the dwelling unit, group
21 housing or SRO (i) was built by the post-secondary Educational Institution that will own,
22 operate or otherwise control the Student Housing; (ii) is in a convent, monastery (or similar
23 religious order facility); or (iii) is on a lot directly adjacent to the post-secondary Educational
24 Institution that will own, operate or otherwise control the Student Housing, so long as the lot
25

1 has been owned by the post-secondary Educational Institution for at least ten years as of the
2 effective date of this ordinance.

3 (f) Loss of Residential Units Through Conversion.

4 (1) Conversion of Residential Units not otherwise subject to Conditional Use
5 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
6 building permit application at a Mandatory Discretionary Review hearing. Except as set forth
7 in subsection 317(f)(2), ~~The conversion of residential uses units to Student Housing is prohibited.~~
8 For the purposes of this subsection, residential ~~uses units~~ that have been defined as such by the time a
9 First Certificate of Occupancy has been issued by the Department of Building Inspection for new
10 construction shall not be converted to Student Housing.

11 (2) Conversion of Vacant or Underutilized Residential Buildings, as defined below,
12 into Student Housing shall be subject to a Conditional Use requirement pursuant to Section
13 303 of this Code.

14 (i) For purposes of this subsection, a Vacant Building is a Residential Building that
15 has been completely vacant for at least one year from the time of application, and that has
16 been on the Department of Building Inspection's Vacant Building Registry pursuant to Section
17 103A.4 of the San Francisco Building Code for at least one year prior to the application.

18 (ii) For purposes of this subsection, an Underutilized Building is a Residential
19 Building where 20% or less of the residential units have been occupied during the two years
20 prior to the time of application. At the time of application, the project sponsor shall submit an
21 affidavit declaring, to the best of his or her knowledge, what the total number of occupied
22 residential units in the Residential Building has been during the last two years.

23 (iii) Nothing herein shall be construed as limiting or diminishing a tenant's rights
24 under the City's Residential Rent Stabilization and Arbitration Ordinance, set forth in Chapter
25 37 of the Administrative Code.

1 (23) Except for conversion of Vacant or Underutilized Residential Buildings into
2 Student Housing as set forth above. ~~T~~the Planning Commission shall consider these criteria in
3 the review of applications for Conversion of Residential Units;

4 (i) whether conversion of the unit(s) would eliminate only owner occupied housing,
5 and if so, for how long the unit(s) proposed to be removed were owner occupied

6 (ii) whether conversion of the unit(s) would provide desirable new non-residential
7 use(s) appropriate for the neighborhood and adjoining district(s);

8 (iii) whether conversion of the unit(s) will bring the building closer into conformance
9 with the prevailing character of its immediate area and in the same zoning district;

10 (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;

11 (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or
12 habitability deficiencies that cannot otherwise be corrected.

13
14 Section 8. The San Francisco Planning Code is hereby amended by amending the
15 definitions of "Qualified Student Housing Project" and "Student Housing" in Section 401, to
16 read as follows:

17 **SEC. 401. DEFINITIONS.**

18 "Qualified Student Housing Project" shall mean any Student ~~h~~Housing project that
19 contains housing for Qualified Students and which may also contain housing for persons who
20 are enrolled students but not Qualified Students, created either through new construction or
21 conversion of an existing building or space. A Qualified Student Housing Project may consist of
22 all or part of a building.

23 "Student ~~h~~Housing." ~~A building where 100 percent of the residential uses are affiliated with~~
24 ~~and operated by an accredited post-secondary educational institution. Typically, student housing is for~~
25 ~~rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for~~

1 ~~one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use~~
 2 ~~Districts. As defined in Planning Code Section 102.36.~~

3
 4 Section 9. The San Francisco Planning Code is hereby amended by amending Section
 5 214, to add a new subsection (k), to read as follows:

6 **SEC. 124. BASIC FLOOR AREA RATIO.**

7 (k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant
 8 or Contributory pursuant to Article 11 of this Code, additional square footage above that
 9 permitted by the base floor area ratio limits set forth above may be approved for construction
 10 of a project, or portion thereof, that constitutes a Qualified Student Housing Project, as
 11 defined in Section 401 of this Code. Such approval shall be subject to the conditional use
 12 procedures and criteria in Section 303 of this Code.

13
 14 Section 10. The San Francisco Planning Code is hereby amended by amending
 15 Table 814, in Section 814, and by adding a new # to the Specific Provisions section of that
 16 Table, to read as follows:

814.16(a)	Student Housing	§ 315.1(38) <u>102.36</u>	C#
-----------	-----------------	--------------------------------------	----

17
 18
 19
 20 **SPECIFIC PROVISIONS FOR SPD DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
<u>§ 814.16</u>	<u>§ 102.36</u>	<u>Student Housing generally is permitted where the particular</u>

		<u>form of housing is permitted in the underlying Zoning District in which it is located (see Section 102.36.) However, in the South Park District Student Housing is subject to a conditional use requirement subject to Section 303.</u>
--	--	--

Section 11. The San Francisco Planning Code is hereby amended by amending Tables 840, 841, 842 and 843, in Sections 840, 841, 842 and 843, to read as follows:

840.23	Student Housing	§ 315.1(38)	€
--------	-----------------	-------------	---

841.23	Student Housing	§ 315.1(38)	€
--------	-----------------	-------------	---

842.23	Student Housing	§ 315.1(38)	€
--------	-----------------	-------------	---

843.23	Student Housing	§ 315.1(38)	€
--------	-----------------	-------------	---

Section 12. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 13. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent parts of the Planning Code that are explicitly shown in this legislation

1 as additions, deletions, Board amendment additions, and Board amendment deletions in
2 accordance to the "Note" that appears under the official title of this legislation. This Ordinance
3 shall not be construed to effectuate any unintended amendments. Any additions or deletions
4 not explicitly shown as described above, omissions, or other technical and non-substantive
5 differences between this Ordinance and the Planning Code that are contained in this
6 legislation are purely accidental and shall not effectuate an amendment to the Planning Code.
7 The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
8 affected City departments, to make those necessary adjustments to the published Planning
9 Code, including non-substantive changes such as renumbering or relettering, to ensure that
10 the published version of the Planning Code is consistent with the laws that this Board enacts.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 ANDREA RUIZ-ESQUIDE
16 Deputy City Attorney

17
18
19
20
21
22
23
24
25