



# SAN FRANCISCO PLANNING DEPARTMENT

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## New Planning Code Summary Student Housing

<b>Code Changes:</b>	Sections 102.36, 124, 135, 207.6, 307, 312, 317, 401, 415.3, and Tables 814, 840, 841, 842, and 843
<b>Case Number:</b>	Board File No. 11-1374
<b>Initiated by:</b>	Planning Commission
<b>Board Sponsor:</b>	Supervisor Wiener
<b>Effective Date:</b>	October 11, 2012

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### The Way It Was:

There were two relevant definitions in the Code, both of which were previously located in Section 401 and have now been deleted:

- **Student Housing in Eastern Neighborhood Mixed-Use Districts.** This definition, previously located in Section 401, identified Student Housing as a "building where 100 percent of the residential uses are affiliated with and operated by an accredited post-secondary educational institution. Typically, Student Housing is for rent, not for sale. This housing provided lodging or both meals and lodging, by prearrangement for one week or more at a time. This definition only applied in the Eastern Neighborhoods Mixed Use Districts."
- **Qualified Student Housing.** This definition defined Qualified Student Housing as, "housing or Group Housing (measured either by units or beds) or accessory living space within a non-residential space, either owned by a Qualified Educational Institution or controlled by a Qualified Educational Institution through a long-term master lease for a period of at least 20 years in which at least thirty percent (30%) of such beds are occupied by Qualified Students. The Qualified Student Housing may be on the site of the Institution or at another location in the City and County of San Francisco." This definition related to income level of the occupants and the ownership of the housing for the purposes of an exemption from the inclusionary housing fee, but did not define the form of Student Housing nor where it is permitted.

### The Way It Is Now:

The new Ordinance has amended the following Sections within the Code:

- New Code Section 102.36 creates a citywide land-use definition of Student Housing. This new definition reflects the variety of Student Housing types that

are anticipated. The definition is based on the occupancy as well as the ownership or control of the space. Student Housing can take the form of a dwelling unit, Group Housing, or an SRO that is occupied by students of an accredited post-secondary educational institution. The housing must be owned, leased, or otherwise controlled by the educational institution.

- Conversions from any existing form of housing to Student Housing would be generally be prohibited by subsection 317(f)(1).
- That said, the Ordinance creates four limited exceptions where existing housing could be converted to student housing. Section 317(b)(1) describes that if the Student Housing would be owned, operated or controlled by a not for profit post-secondary Educational Institution, and
  1. the residential use was built by the post-secondary Educational Institution;
  2. the residential use is in a convent, monastery (or similar religious order facility);
  3. the residential use is on a lot directly adjacent to the post-secondary Educational Institution, so long as the lot has been owned by the post-secondary Educational Institution for at least ten years as of the effective date of this ordinance; or
  4. as of August 10, 2010, it was owned, operated or otherwise controlled by a post-secondary Educational Institution that had an Institutional Master Plan on file with the Planning Commission, and where the occupancy by those other than students at that date was less than 20% of the total occupants.
- Section 307(j) would enable the ZA to allow the conversion of the Student Housing to any permitted residential use, once the Zoning Administrator finds that the converted Student Housing has complied with any applicable Inclusionary Affordable Housing Requirements, and that all other Planning Code requirements applicable to that residential use have been met or modified through appropriate procedures.
- Section 124 is amended to permit square footage above the FAR limits for Student Housing use via Conditional Use authorization.
- Section 135(d)(2) now states that dwelling units that are less than 350 square feet plus a bathroom – including those that are considered Student Housing – would have the same reduced open space requirement (one-third that of dwelling units) as Group Housing and SROs.
- Section 207.6(B)(3) exempts Student Housing from the unit mix requirement within RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use Districts (as is

Group Housing, SROs, and dwellings offered at Below Market Rate). If at any point the housing no longer qualifies as Student Housing (as would be defined in new Section 102.36), the exemption from the unit mix requirement would no longer be applicable, and modifications to the unit mix may be required.

- Section 312 has been amended to require that a change of use to Group Housing within an NC district would require neighborhood notification.
- Various amendments were made to Section 415.3(c)(5) were made to delete the now obsolete reference and procedures related to “Qualified Student Housing”; to enable MOH to monitor student housing projects exempted from the Affordable Inclusionary requirement; and to require that NSRs be placed on these properties.. as defined in Planning Code Section 401, may consist of all or part of a building, with the proposed modification to the definitions in Section 401.
- Lastly, the Ordinance makes conforming amendments to Sections 401 and 415.3 of the Planning Code, and to Tables 814, 840, 841, 842 and 843.

**Background Information**

The Planning Commission found that the adoption of the Ordinance would 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. It also found that the proposed 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. Finally, the Commission found that 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.

**Link to signed legislation:**

Board	Ord. No.	Effective:	Planning Code - Creating a New Definition of Student Housing
File No.	<a href="#">0188-12</a>	10/11/12	<a href="http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances12/o0188-12.pdf">http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances12/o0188-12.pdf</a>
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