File No. 120996 Committee Item No. 3
Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** November 19, 2012

Board of Supervisors Meeting **Date** 12/4/12

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☒	☒	Planning Commission Resolution No. 18747
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Completed by: Alisa Miller **Date** November 16, 2012
Completed by: Alisa Miller **Date** November 20, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Efficiency Dwelling Units - Numerical Cap and Open/Common Space Requirements]

Ordinance amending the San Francisco Planning Code by adding new Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Subsection 135(d) and adding new Section ~~135.4~~ 140.1 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

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 ~~strikethrough normal~~.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120996 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18747, and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 18747 is on file with the Clerk of the Board of Supervisors in File No. 120996.

(c) This Board finds that these Planning Code amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18747, and the Board hereby incorporates such reasons herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by adding new Section 318, to read as follows:

SEC. 318. EFFICIENCY DWELLING UNITS WITH REDUCED SQUARE FOOTAGE.

(a) ***Definition.*** *For purposes of this Section, an "Efficiency Dwelling Unit with reduced square footage" shall mean an Efficiency Dwelling Unit with a living room of less than 220 square feet and meeting the requirements of Section 1208.4 of the San Francisco Building Code that is not affordable housing, group housing, or student housing as defined in this Code.*

(b) ***Limitation on the total number of Efficiency Dwelling Units with reduced square footage that can be constructed.*** *The Planning Department may approve the construction of up to a total number of 375 Efficiency Dwelling Units with reduced square footage; provided, however, that Efficiency Dwelling Units shall not be included in this total. For purposes of this subsection, individual units will be counted even if they comprise less than the total number of units in the building.*

(c) ***Reporting and reauthorization.*** *After the approval of approximately 325 Efficiency Dwelling Units with reduced square footage, the Planning Department* in collaboration with the Mayor's Office of Housing *shall submit a report to the Board of Supervisors that provides whatever information* ~~the~~ those *Departments believe~~s~~ will assist the Board in determining whether to increase the numerical cap on the number of Efficiency Units with reduced square footage or to otherwise modify the requirements.* At a minimum, the report shall include the following information:

(1) Pricing information, based on data from the Assessor's Office, for sales properties and, to the extent feasible, rental prices for the Efficiency Dwelling Units with reduced square footage;

(2) A comparison of the sales and rental pricing information for Efficiency Dwelling Units with reduced square footage to similar data for studio and 1-bedroom dwelling units;

(3) A map showing where the Efficiency Dwelling Units with reduced square footage are located, both projects that are entitled but not yet built and projects that have been constructed;

(4) A comparison of the numbers of Efficiency Dwelling Units with reduced square footage that are entitled and/or built and the goals for other dwelling unit sizes within any adopted Area Plans; and

(5) A comparison of the numbers of Efficiency Dwelling Units with reduced square footage with the quantified housing production goals, to the extent available by household income level, set forth in the Regional Housing Needs Allocation.

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

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

. . .

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Tables 135A and B for the district in which the building is located.

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum

amount of open space required shall be in no case greater than the amount set forth in Table 135A for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street there from, whichever requires less open space.

(1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5) below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of Table 135A if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of Table 135A. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

(2) For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom or SRO unit shall be 1/3 the amount required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens ~~*or physically handicapped persons*~~, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be ½ the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

(4) **DTR Districts.** For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in this Section unless otherwise established in this subsection or in Section 825 or a Section governing an individual DTR District. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in subsection (h) below. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly-accessible. Publicly-accessible open space, including off-site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

(5) **Eastern Neighborhoods Mixed Use Districts.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B. For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in Table 135B.

*(6) **Efficiency Dwelling Units With Reduced Square Footage.** Common usable open space shall be the preferred method of meeting the open space requirement for Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code. Private open space shall not be credited toward satisfaction of the open space requirement for such units unless the Zoning Administrator determines that the provision of common open space is infeasible or undesirable, in whole or in part, due to (i) site constraints, (ii) the special needs of anticipated residents, or (iii)*

conflicts with other applicable policies and regulations, including but not limited to standards for the treatment of historic properties, the Americans with Disabilities Act, or the Building Code.

TABLE 135A
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING
OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District	

	property	
NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

TABLE 135B

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site

80 square feet	54 square feet	50%

. . .

Section 4. The San Francisco Planning Code is hereby amended by adding new Section 140.1 ~~135.4~~, to read as follows:

SEC. 140.1. COMMON AREA REQUIREMENT FOR EFFICIENCY DWELLING UNITS WITH REDUCED SQUARE FOOTAGE.

Buildings with 20 or more Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code, shall include at least one common room for use by the residents. Such common room(s) may be used as study or reading rooms, shared kitchen or dining facilities, media rooms, game rooms, fitness facilities, or similar uses appropriate to the needs of residents. Interior common areas shall be of sufficient size to reasonably accommodate residents' needs, but in no event shall the area required be less than ten square feet per unit.

~~**SEC. 135.4. INTERIOR COMMON AREAS FOR EFFICIENCY DWELLING UNITS WITH REDUCED SQUARE FOOTAGE.**~~

~~Buildings with 20 or more Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code, shall include at least one common room for use by the residents. Such common room(s) may be used as study or reading rooms, shared kitchen or dining facilities, media rooms, game rooms, fitness facilities, or similar uses appropriate to the needs of residents. Interior common areas shall be of sufficient size to reasonably accommodate residents' needs, but in no event shall the area required exceed ten square feet per unit.~~

Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 6. This section is uncodified. 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 part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

FILE NO. 120996

REVISED LEGISLATIVE DIGEST

(11/20/2012, Amended in Board)

[Planning Code - Efficiency Dwelling Units - Numerical Cap and Open/Common Space Requirements]

Ordinance amending the San Francisco Planning Code by adding new Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Subsection 135(d) and adding new Section ~~135.4~~ 140.1 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Planning Code Section 135 establishes the usable open space requirement for dwelling units and group housing in specified zoning districts. Subsection (d) sets forth the amount required.

Amendments to Current Law

Planning Code Section 318 is added to define "Efficiency Dwelling Units with reduced square footage" as having a living room of less than 220 square feet and meeting the requirements of Section 1208.4 of the San Francisco Building Code, and to provide that no more than 375 of such units may be built unless they are affordable housing, group housing, or student housing. After approximately 325 such units have been approved, the Planning Department in collaboration with the Mayor's Office of Housing shall submit a report to the Board of Supervisors that provides information to assist the Board in determining whether to increase the numerical cap or to otherwise modify the requirements.

Subsection 135(d) is amended to provide that common usable open space is the preferred method of meeting the Code's open space requirement for Efficiency Dwelling Units with reduced square footage unless the Zoning Administrator determines that this is infeasible or undesirable for specified reasons. Section 140.1 is added to require buildings with 20 or more Efficiency Dwelling Units with reduced square footage to include at least one common room for use by the residents, and that the size of the common room shall be no less than ten square feet per unit.

Background Information

Efficiency Dwelling Units with a living room of less than 220 square feet is a new housing type in San Francisco. Putting a numerical cap on the total number that can be built until a report is provided will enable the Board to assess the impacts of constructing these units in order to determine whether to increase the numerical cap or to otherwise modify the requirements.

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
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November 16, 2012

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

Re: **Transmittal of Planning Department Case Number 2012.1322T:**
Amendments to the Planning Code Regarding Efficiency Dwelling Units:
Numerical Cap and Common Space
Planning Commission Recommendation: ***Approval with Modifications***

Dear Ms. Calvillo and Supervisor Wiener,

On November 15, 2012, the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider a proposed Ordinance introduced by Supervisor Scott Wiener (Board File 12-0996).

The proposed Ordinance would amend the Planning Code by: (1) adding Section 318 to add a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; (2) amending Section 135(d), which outlines required open space; and (3) adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage. At the hearing, the Planning Commission recommended approval with the following modifications:

1. Refine the concept of a cap on the number of efficiency dwelling units with living areas that measure less than 220 square feet that may be approved, and develop a rigorous reporting structure to provide feedback on approved units.
2. Do not add a new definition to the Planning Code. Rather, the new common and open space requirements should refer to the definition of Efficiency Dwelling Units used in the Building Code.
3. Replace the maximum requirement for interior common space with a minimum requirement of 10 square feet of common interior space per Efficiency Dwelling Unit.
4. Relocate the proposed new interior common space requirement to Planning Code Section 140, from 135.4 as drafted in the proposed Ordinance.

The proposed amendments have been determined to be covered under Case No. 2012. 0846E, and are exempt from environmental review under the General Rule Exclusion in the California Environmental Quality Act Section 15061(b)(3). Pursuant to San Francisco's Administrative Code

Section 8.12.5 "Electronic Distribution of Multi-page Documents", the Department is sending electronic documents and one hard copy. Additional hard copies may be requested by contacting Sophie Hayward at (415) 558-6372.

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

Please find attached documents relating to the action of the Planning Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

cc:
Supervisor Scott Wiener
Cheryl Adams, Deputy City Attorney
Judith Boyajian, Deputy City Attorney

Attachments (one copy of the following):
Planning Commission Resolution
Planning Department Executive Summary

SAN FRANCISCO
PLANNING DEPARTMENT

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San Francisco,
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Planning Commission Resolution No. 18747

HEARING DATE NOVEMBER 15, 2012

Project Name:	**Efficiency Dwelling Units: Numerical Cap and Open & Common Space Requirements**
Case Number:	2012.1322T [Board File No. 12-0996]
Initiated by:	Supervisor Wiener / Introduced October 9, 2012
Staff Contact:	Sophie Hayward, Legislative Affairs sophie.hayward@sfgov.org, 415-558-6372
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY ADDING SECTION 318 TO PUT A CAP ON THE NUMBER OF EFFICIENCY DWELLING UNITS, AS DEFINED IN THE BUILDING CODE, THAT CAN BE CONSTRUCTED WITH REDUCED SQUARE FOOTAGE UNLESS THE UNITS ARE GROUP HOUSING, AFFORDABLE HOUSING, OR STUDENT HOUSING; AMENDING SECTION 135 (D) AND ADDING SECTION 135.4 TO IMPOSE OPEN SPACE AND COMMON SPACE REQUIREMENTS FOR EFFICIENCY DWELLING UNITS WITH REDUCED SQUARE FOOTAGE; 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 9, 2012, Supervisors Wiener introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0996, which would amend Sections 318 and 135 of the Planning Code regarding the efficiency dwelling units with reduced square feet;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 15, 2012; and,

WHEREAS, the proposed Ordinance has been determined to be exempt from environmental review under the General Rule Exclusion, California Environmental Quality Act Section 15061(b)(3); 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

MOVED, that the Commission hereby recommends that the Board of Supervisors ***approve the proposed Ordinance with modifications*** and adopts the attached Resolution to that effect. The Planning Commission recommends the following modifications:

1. Refine the concept of a cap on the number of efficiency dwelling units with living areas that measure less than 220 square feet that may be approved, and develop a rigorous reporting structure to provide feedback on approved units.
2. Do not add a new definition to the Planning Code. Rather, the new common and open space requirements should refer to the definition of Efficiency Dwelling Units used in the Building Code.
3. Replace the maximum requirement for interior common space with a minimum requirement of 10 square feet of common interior space per Efficiency Dwelling Unit.
4. Relocate the proposed new interior common space requirement to Planning Code Section 140, from 135.4 as drafted in 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 proposed Ordinance would amend the Planning Code by creating a new subcategory of dwelling unit called an "Efficiency Dwelling Unit with reduced square footage." The proposed Ordinance would then create a cap on the number of Efficiency Dwelling Units with reduced square footage that could be approved, as well as introduce a new reporting requirement and new common and open space requirements.

2. The "Housing Element" of the *San Francisco General Plan* notes that San Francisco must plan for the capacity for roughly 31,000 new residential units, 60% of which should be suitable housing for extremely low, very low, low and moderate income households in order to meet its share of the region's projected housing demand.

3. New construction that includes Efficiency Dwelling Units as small as 220 square feet may provide a form of housing that can help to satisfy the demand for moderate income housing, while freeing up space in larger, existing units(including rent controlled units) for family housing.

4. On June 28, 2012, the Planning Commission expressed unanimous support for a piece of companion legislation that is pending at the Board of Supervisors that would amend the San Francisco Building Code by lowering the minimum size of an Efficiency Dwelling Unit to provide a living room of at least 150 square feet, in addition to a required kitchen and bathroom.

5. The proposed Ordinance is applicable only to market-rate, small efficiency units, and exempts affordable and student housing units of the same size from the proposed cap and from the interior common and exterior open space requirements.

6. The proposal differentiates the appropriateness of housing based on affordability levels, and may be a step towards slowing or metering market rate housing production.

7. The Planning Commission's goal is to encourage the production of a range of housing typologies in order to address the production deficit for very low, low, and moderate income units; small efficiency dwelling units offered at market rate will both help satisfy the existing demand for moderate income housing, and generate funds for affordable housing through inclusionary housing fees.

8. The Planning Commission supports the concept of a numeric cap on the number of small efficiency dwelling units that may be approved in order to provide an opportunity to evaluate the demand, the quality, the population served, and the cost.

9. The Planning Commission recommends that the Board of Supervisors develops a clearly defined and rigorous reporting requirement associated with the proposed cap on the small efficiency dwelling units.

10. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 3
PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS

POLICY 3.1
Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

POLICY 3.4
Preserve "naturally affordable" housing types, such as smaller and older ownership units.

The proposed Ordinance is tied to a companion proposal that would amend the Building Code to reduce the size of Efficiency Dwelling Units. As proposed, only Efficiency Dwelling Units located in new construction may be reduced in size to 220 square feet including the living area, the separate bathroom, and closets. Existing units may not be reconfigured into the small sized units described in the proposed Ordinance, a restriction that will preserve the rent controlled status of existing rent controlled units.

The proposed Ordinance permits the construction of new units that are of a small size – thus creating a housing typology that is "affordable by design." While cost per square foot of the units may fluctuate, the total cost is limited by their overall small size.

OBJECTIVE 12
BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTRE THAT SERVES THE CITY'S GROWING POPULATION

POLICY 12.2
Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The proposed Ordinance recognizes that common – rather than private – open space would provide the greatest benefit to residents of small efficiency dwelling units. Further, the proposed Ordinance sets forth a new requirement for common interior space in the form of reading or study rooms, a fitness room, or a shared kitchen or dining facility that would serve the needs of residents of small efficiency units.

11. **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 will not have a negative impact on neighborhood serving retail uses and will not impact 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 only be applicable to new construction, and not existing housing; further, the proposal does not alter density limits or controls. The proposed small efficiency dwelling units will only be located in new construction in quantities supported by the underlying zoning districts.

    3. That the City's supply of affordable housing be preserved and enhanced;

       The proposed Ordinance does not apply to affordable housing or to student housing, and applies only to new construction. The existing supply of affordable housing will not be impacted. New, market rate units will enhance the funding for new affordable housing through the inclusionary housing fees.

    4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

       The proposed Ordinance will 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 will not negatively impact the City's preparedness against injury and loss of life in an earthquake. The proposed Ordinance will only apply to new construction, which would be subject to all current Building Code requirements.

7. That the landmarks and historic buildings be preserved;

   Landmarks and historic buildings would not be negatively impacted by the proposed Ordinance.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

   The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board APPROVE the proposed Ordinance with the modifications described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 15, 2012.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Borden, Fong, Hillis, Moore, Sugaya, and Wu

NOES: Commissioner Antonini

ABSENT: None

ADOPTED: November 15, 2012

BOARD of SUPERVISORS

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

November 13, 2012

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

Dear Commissioners:

On November 6, 2012, Supervisor Wiener introduced the following proposed substitute legislation:

File No. 120996-2

Ordinance amending the San Francisco Planning Code by adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

Alisa Miller

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
Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS

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November 13, 2012

File No. 120996-2

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On November 6, 2012, Supervisor Wiener introduced the following proposed substitute legislation:

File No. 120996-2

Ordinance amending the San Francisco Planning Code by adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

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

MEMORANDUM

TO: Tom Hui, Acting Director, Department of Building Inspection

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: October 10, 2012

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed substitute legislation, introduced by Supervisor Wiener on November 6, 2012. This matter is being referred to your department informational purposes only and no additional action is required.

File No. 120996-2

Ordinance amending the San Francisco Planning Code by adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Carolyn Jayin, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

BOARD of SUPERVISORS

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October 17, 2012

File No. 120996

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On October 9, 2012, Supervisor Wiener introduced the following proposed legislation:

File No. 120996

Ordinance amending the San Francisco Planning Code by: 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS

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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 17, 2012

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

Dear Commissioners:

On October 9, 2012, Supervisor Wiener introduced the following proposed legislation:

File No. 120996

Ordinance amending the San Francisco Planning Code by: 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1..

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
Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS

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San Francisco 94102-4689
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MEMORANDUM

TO: Tom Hui, Acting Director, Department of Building Inspection

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: October 10, 2012

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on October 9, 2012. This matter is being referred to your department informational purposes only and no additional action is required.

File No. 120996

Ordinance amending the San Francisco Planning Code by: 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Carolyn Jayin, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
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 _____ inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. _____ from Committee.

☐ 7. Budget Analyst request (attach written motion).

☒ 8. Substitute Legislation File No. 120996

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) 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 a different form.

Sponsor(s):

Supervisor Wiener

Subject:

Planning Code –Efficiency Dwelling Units; Numerical Cap and Open/Common Space Requirements

The text is listed below or attached:

Ordinance amending the San Francisco Planning Code by 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing, 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Signature Sponsoring Supervisor: _____

For Clerk's Use Only:

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

☒ 1. For reference to Committee: Land Use

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 _____ inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. _____ from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No.

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) 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 a different form.

Sponsor(s):

Supervisor Wiener

Subject:

Efficiency Dwelling Units; Numerical Cap and Open/Common Space Requirements

The text is listed below or attached:

Ordinance amending the San Francisco Planning Code by 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing, 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

120996

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: