

BOARD of SUPERVISORS



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MEMORANDUM

TO: Michael Carlin, Acting General Manager, Public Utilities Commission
Robert Collins, Executive Director, Rent Board

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

DATE: July 21, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on July 13, 2021:

File No. 210808

Ordinance amending the Planning Code to add Laundromat as a defined term, to require conditional use authorization for uses replacing Laundromats, and to prohibit Accessory Dwelling Units that reduce on-site laundry services unless replaced; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Masood Ordikhani, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission

1 [Planning Code - Requirements for Laundromats and On-site Laundry Services]

2

3 **Ordinance amending the Planning Code to add Laundromat as a defined term, to**
 4 **require conditional use authorization for uses replacing Laundromats, and to prohibit**
 5 **Accessory Dwelling Units that reduce on-site laundry services unless replaced;**
 6 **affirming the Planning Department’s determination under the California Environmental**
 7 **Quality Act; and making findings of consistency with the General Plan, and the eight**
 8 **priority policies of Planning Code, Section 101.1, and findings of public necessity,**
 9 **convenience, and welfare under Planning Code, Section 302.**

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

14

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

16

17 Section 1. Environmental and Land Use Findings.

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

23 (b) On _____, the Planning Commission, in Resolution No. _____,
 24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 25 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

8
9 Section 2. General Findings.

10 (a) By providing the space and appliances for San Francisco residents and visitors
11 to perform the basic, necessary act of cleaning their clothes, bedding, and other laundry,
12 Laundromats in San Francisco perform a critical community-serving function that
13 disproportionately serves lower-income San Franciscans, residents of Single-Room
14 Occupancy residential units, and residents of affordable housing who do not otherwise have
15 access to laundry services.

16 (b) Laundromats tend to be concentrated more heavily in denser parts of the City
17 that have smaller unit sizes and other architectural limitations that inhibit in-unit or on-site
18 laundry appliances. They also tend to be clustered in parts of the City with higher
19 concentrations of residents who make 50% or less of the City's Area Median Income.

20 (c) Lower-income residents of these smaller unit typologies incur costs that
21 residents with in-unit laundry do not, effectively increasing the cost of living of San Francisco's
22 most vulnerable, low-income residents.

23 (d) As Laundromats close down and convert to other, higher-revenue uses, the
24 availability of these critical community-serving uses to lower-income residents is constrained,
25

1 and the costs associated with accessing those services increases, or the accessibility of
2 laundry service is altogether eliminated.

3 (e) Laundromats also serve as community hubs where people in the neighborhood
4 can come together and form community bonds, strengthen neighborhood ties, and distribute
5 information of common interest to community members. In this regard, many Laundromats
6 serve as informal, quasi-public spaces.

7 (f) For decades, the number of Laundromats in San Francisco has steadily
8 declined. Under more recent pressures, that decline has become more dramatic. According to
9 data provided by the San Francisco Public Utilities Commission, 84 laundromats have closed
10 down since 2013, approximately one-third of neighborhood-serving laundromats. In the four-
11 year period from 2016 to 2020, the Office of Small Business reports that at least 67
12 Laundromat closures had been recorded throughout San Francisco. In 2019 alone, 21
13 Laundromats closed down, while only six opened; a net loss of 15 Laundromats in one year.

14 (g) While in-unit or on-site laundry services and appliances remain a highly desired
15 amenity among San Francisco renters, no Planning Code provisions protect against the
16 removal of those services, leading to repeat instances of on-site laundry services being
17 removed and replaced by other desired uses, including Accessory Dwelling Units.

18 (h) Preserving Laundromats and on-site laundry services is an urgent equity issue
19 for San Francisco residents and communities. Unless the City acts to protect these services
20 from demolition or conversion to more high-revenue use types, Laundromats and on-site
21 laundry services will continue to fail to effectively compete for limited space in the densest
22 parts of San Francisco.

1 Section 3. The Planning Code is hereby amended by revising Sections 102 (with the
2 new defined term, "Laundromat," placed in alphabetical sequence) and 207, and adding
3 Section 202.12, to read as follows:

4
5 **SEC. 102. DEFINITIONS.**

6 * * * *

7 *Laundromat.* A Retail Sales and Service Use that is used for the purpose of washing, drying,
8 *dry cleaning, starching, or ironing, for the general public, wearing apparel, household linens, or other*
9 *washable fabrics, or a place used or maintained for the storage, collection, or delivery of such articles*
10 *for such service. A Laundromat use shall include any place, whether self-service or otherwise,*
11 *maintained for the general public for the purpose of washing and drying wearing apparel, household*
12 *linens, or other washable fabrics, by coin-operated, or card-operated laundry machinery.*

13 * * * *

14 ***Retail Sales and Service, General.*** A Retail Sales and Service Use that provides
15 goods and/or services to the general public and that is not listed as a separate Retail Sales
16 and Service Use in this Section 102. This use includes, but is not limited to the sale or
17 provision of the following goods and services:

18 (a) Personal items such as tobacco and magazines;

19 ~~(b) Self-service laundromats and dry cleaning, where no portion of a building occupied~~
20 ~~by such use shall have any opening other than fixed windows and exits required by law within 50 feet of~~
21 ~~any R District;~~

22 ~~(eb)~~ Household goods and service (including paint, fixtures, and hardware, but
23 excluding other building materials);

24 ~~(ec)~~ Variety merchandise, pet supply stores, and pet grooming services;

25 ~~(ed)~~ Florists and plant stores;

- 1 (f*e*) Apparel and accessories;
- 2 (g*f*) Antiques, art galleries, art supplies, and framing service;
- 3 (h*g*) Home furnishings, furniture, and appliances;
- 4 (i*h*) Books, stationery, greeting cards, office supplies, copying service, music,
- 5 and sporting goods; and
- 6 (j*i*) Toys, gifts, and photographic goods and services.

7 * * * *

8 ***Sales and Services, Retail.*** A Commercial Use category that includes Uses that
9 involve the sale of goods, typically in small quantities, or services directly to the ultimate
10 consumer or end user with some space for retail service on site, excluding Retail
11 Entertainment Arts and Recreation, and Retail Automobile Uses and including, but not limited
12 to: Adult Business, Animal Hospital, Bar, Cannabis Retail, Cat Boarding, Chair and Foot
13 Massage, Tourist Oriented Gift Store, General Grocery, Specialty Grocery, Gym, Hotel,
14 Jewelry Store, Kennel, Laundromat, Liquor Store, Massage Establishment, Mortuary
15 (Columbarium), Motel, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General
16 Retail Sales and Service, Financial Service, Fringe Financial Service, Limited Financial
17 Service, Health Service, Instructional Service, Personal Service, Retail Professional Service,
18 Self-Storage, Tobacco Paraphernalia Establishment, and Trade Shop.

19
20 **SEC. 202.12. LIMITATION ON CHANGE IN USE OR DEMOLITION OF A**

21 **LAUNDROMAT USE.**

22 Notwithstanding any other provision of this Article 2, for the three years following the effective
23 date of the ordinance in Board File No. _____ adopting this Section 202.12, a change in use or
24 demolition of a Laundromat use, as defined in Section 102, shall require Conditional Use authorization
25 pursuant to Section 303. In acting on any application for Conditional Use authorization for changes in

1 use or demolition of a Laundromat use, the Commission shall consider the following criteria in
2 addition to the criteria set forth in Section 303(c) and (d) of this Code:

3 (a) Whether comparable Laundromat uses and services are available at locations that
4 are equally or more accessible to seniors, people with disabilities, and other residents in the immediate
5 vicinity;

6 (b) Whether, in the three years immediately prior to the date of the application for
7 Conditional Use authorization, the rate of Laundromat closures in the immediate vicinity of the
8 proposed change of use and/or citywide exceeds the rate of new Laundromat uses or equally accessible
9 alternatives;

10 (c) Whether the proposed change in use would serve the essential needs of lower-
11 income residents; and

12 (d) Whether the proposed change in use is in a census tract where at least 17% of the
13 households had income at or below the federal poverty level.

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

16 * * * *

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

19 * * * *

20 (4) **Local Accessory Dwelling Unit Program: Accessory Dwelling Units in**
21 **Multifamily Buildings; Accessory Dwelling Units in Single-Family Homes That Do Not**
22 **Strictly Meet the Requirements in subsection (c)(6).**

23 * * * *

1 (C) **Controls on Construction.** An Accessory Dwelling Unit regulated by
2 this subsection (c)(4) is permitted to be constructed in an existing or proposed building under
3 the following conditions:

4 (i) For lots that have four existing Dwelling Units or fewer or where
5 the zoning would permit the construction of four or fewer Dwelling Units, one ADU is
6 permitted; for lots that have more than four existing Dwelling Units or are undergoing seismic
7 retrofitting under subsection (c)(4)(F) below, or where the zoning would permit the
8 construction of more than four Dwelling Units, there is no limit on the number of ADUs
9 permitted; provided, however, that the Department shall not approve an application for
10 construction of an ADU where a tenant on the lot has been evicted pursuant to Administrative
11 Code Sections 37.9(a)(9) through (a)(12) and 37.9(a)(14) under a notice of eviction served
12 within 10 years prior to filing the application for a building permit to construct the ADU or
13 where a tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) under a
14 notice of eviction served within five years prior to filing the application for a building permit to
15 construct the ADU. This provision shall not apply if the tenant was evicted under Section
16 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant
17 reoccupied the unit after the temporary eviction or (B) have submitted to the Department and
18 to the Rent Board a declaration from the property owner or the tenant certifying that the
19 property owner notified the tenant of the tenant's right to reoccupy the unit and the tenant
20 chose not to reoccupy it.

21 (ii) Except as provided in subsections (iii) and (iv) below, an
22 Accessory Dwelling Unit shall be constructed entirely within the buildable area of an existing
23 lot, provided that the ADU does not exceed the existing height of an existing building, or within
24 the built envelope of an existing and authorized stand-alone garage, storage structure, or
25 other auxiliary structure on the same lot, as the built envelope existed three years prior to the

1 time the application was filed for a building permit to construct the ADU. For purposes of this
2 provision, the “built envelope” shall include the open area under a cantilevered room or room
3 built on columns; decks, except for decks that are supported by columns or walls other than
4 the building wall to which they are attached and are multi-level or more than 10 feet above
5 grade; and lightwell infills provided that the infill will be against a blank neighboring wall at the
6 property line and not visible from any off-site location; as these spaces exist as of July 11,
7 2016. An ADU constructed entirely within the existing built envelope, as defined in this
8 subsection (ii), along with permitted obstructions allowed in Section 136(c)(32), of an existing
9 building or authorized auxiliary structure on the same lot, or where an existing stand-alone
10 garage or storage structure has been expanded to add dormers, is exempt from the
11 notification requirements of Section 311 of this Code unless the existing building or authorized
12 auxiliary structure on the same lot is in an Article 10 or Article 11 District in which case the
13 notification requirements will apply. If an ADU will be constructed under a cantilevered room
14 or deck that encroaches into the required rear yard, a pre-application meeting between the
15 applicant and adjacent neighbors for all the proposed work is required before the application
16 may be submitted.

17 (iii) When a stand-alone garage, storage, or other auxiliary
18 structure is being converted to an ADU, an expansion to the envelope is allowed to add
19 dormers even if the stand-alone garage, storage structure, or other auxiliary structure is in the
20 required rear yard.

21 (iv) On a corner lot, a legal stand-alone nonconforming garage,
22 storage structure, or other auxiliary structure may be expanded within its existing footprint by
23 up to one additional story in order to create a consistent street wall and improve the continuity
24 of buildings on the block.

25

1 (v) An Accessory Dwelling Unit shall not be constructed using
2 space from an existing Dwelling Unit except that an ADU may expand into habitable space on
3 the ground or basement floors provided that it does not exceed 25% of the gross square
4 footage of such space. The Zoning Administrator may waive this 25% limitation if (a) the
5 resulting space would not be usable or would be impractical to use for other reasonable uses
6 included but not limited to storage or bicycle parking or (b) waiving the limitation would help
7 relieve any negative layout issues for the proposed ADU.

8 (vi) An existing building undergoing seismic retrofitting may be
9 eligible for a height increase pursuant to subsection (c)(4)(F) below.

10 (vii) Notwithstanding any other provision of this Code, an
11 Accessory Dwelling Unit authorized under this Section 207(c)(4) may not be merged with an
12 original unit(s).

13 (viii) An Accessory Dwelling Unit shall not be permitted in any
14 building in a Neighborhood Commercial District or in the Chinatown Community Business or
15 Visitor Retail Districts if it would eliminate or reduce a ground-story retail or commercial space,
16 unless the Accessory Dwelling Unit is a Designated Child Care Unit, as defined in Section
17 102, and meets all applicable standards of Planning Code Section 414A.6(e).

18 (ix) An Accessory Dwelling Unit shall not be permitted under this
19 subsection (c)(4) if it would result in the reduction or removal of on-site laundry service, unless that
20 laundry service is replaced with at least the same number or capacity of washers and dryers within the
21 same building and as accessible as before to all building tenants.

22 * * * *

23
24 Section 4. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: /s/
15 AUDREY WILLIAMS PEARSON
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Requirements for Laundromats and On-site Laundry Services]

Ordinance amending the Planning Code to add Laundromat as a defined term, to require conditional use authorization for uses replacing Laundromats, and to prohibit Accessory Dwelling Units that reduce on-site laundry services unless replaced; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, the Planning Code considers laundromats and laundry services as a General Retail Sales and Service use, and does not define laundromats as a separate use category. When a laundromat changes to a new use, the new use may be principally or conditionally permitted. Finally, there is no prohibition on using on-site laundry space in residential buildings for accessory dwelling units (ADUs) under the City's discretionary ADU program.

Amendments to Current Law

This ordinance amends the Planning Code to separately define laundromats. The ordinance requires that, for three years from the effective date of the ordinance, any use that demolishes or changes the use of a laundromat obtain conditional use authorization from the Planning Commission. Finally, the ordinance precludes the use of the City's discretionary ADU program if the ADU would remove on-site laundry services, unless those services were replaced with similar on-site services.

Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only